

City of Kupreanof

Code of Ordinances



Kupreanof Code of Ordinances

Table of Contents

Title 1	General Provisions
Title 2	Administration
Title 3	Elections
Title 4	Revenue and Finance
Title 5	City Personnel
Title 6	Acquisition and Disposal of City Property
Title 7	Planning and Zoning Commission
Title 8	Development Code

Title 1

GENERAL PROVISIONS: Table of Contents

Chapter 1 Enabling Ordinance

- Section.01 Code cite and designation
- .02 Definitions
- .03 Grammatical interpretation
- .04 Effect of repeal of ordinances
- .05 Severability of ordinances and parts of code
- .06 General penalty
- .07 Laws of Alaska; Violations; Ordinances not exclusive
- .08 Amendment to code; Effect of new ordinances
- .09 Distribution
- .10 Supplements
- .11 Time ordinances take effect
- .12 Repealer Clause

Chapter 2 City Data

- Section.01 Name of Municipality – form of government
- .02 City limits

Chapter 3 Ordinances—Resolutions—Technical Codes

- Section.01 Acts of the council
- .02 Acts required to be by ordinance
- .03 Ordinance procedure
- .04 Ordinance form and content
- .05 Emergency ordinances
- .06 Signature
- .07 Ordinances confined to single subject
- .08 Repeal shall not revive any ordinance
- .09 Codes of regulation
- .10 Formal acts by resolution
- .11 Resolutions—Reading—Hearing—Adoption—Posting

Title 1

GENERAL PROVISIONS

1.01 ENABLING ORDINANCE.

1.01.01 Code cite and designation.

The ordinances in the following chapters and sections shall be called the “Code of Ordinances, Kupreanof, Alaska”.

1.01.02 Definitions.

The following definitions apply to this code and all city ordinances unless the plain meaning otherwise requires

(A) CITY: The City of Kupreanof, Alaska.

(B) COUNCIL: The city Council of Kupreanof, Alaska.

(C) CODE: The Code of Ordinances, City of Kupreanof, Alaska, including all amendments and additions. All ordinances shall be adopted as specified by State law.

(D) PERSON: A Corporation, company, partnership, firm, association, organization, business trust or society, as well as a natural person.

(E) STATE: The State of Alaska.

(F) PUBLISH: To post a notice within the city in three locations, one of which shall be the city offices, for a period of not less than five days.

1.01.03 Grammatical interpretation.

(A) Tense: Words in the present tense include the past and future tense, and words in the future tense include the present tense.

(B) Number: Words in the singular number include the plural, and words in the plural number include the singular.

(C) Gender: Words of the masculine gender include feminine and the neuter and when the sense so indicates, words of the neuter gender may refer to any gender.

1.01.04 Effect of repeal of ordinances.

Ordinances repealed remain in force for the trial and punishment of all past violations of them, and for the recovery of penalties and forfeitures already incurred, and for the preservation of all rights and remedies existing by them and so far as they apply, to any office, trust, proceeding, right, contract or event, already affected by them.

1.01.05 Severability of ordinances and parts of code.

Any ordinance enacted before or after the adoption of this code which lacks a severability clause shall be construed as though it contained the clause in the following language: “If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remaining of this ordinance and the application to other persons or circumstances shall not be affected thereby.”

1.01.06 General penalty.

Every act prohibited by ordinance of this city is unlawful. Unless other penalty is expressly provided by this Code for any particular provision or section, every person convicted of a violation of any provision of this Code, or any rule or regulation adopted or issued in pursuance thereof, shall be punished by a fine of not more than six hundred dollars (\$600.00) . Unless otherwise specifically provided, upon the second conviction such person shall be punished by a fine of not more than one thousand dollars (\$1000.00) or not more than thirty days’ imprisonment, or both. Each act of violation and every day upon which such violation shall occur shall constitute a separate offense.

The penalty provided by this section shall, unless any other penalty is expressly provided, apply to the amendment of any section of this code, whether or not such penalty is re-enacted in the amendment ordinance.

1.01.07 Laws of Alaska; Violations; Ordinances not exclusive.

No person shall violate any law of the State of Alaska, nor any rule or regulation adopted by any duly authorized agency of the State of Alaska. Violations of the foregoing shall be violations of the Code of Ordinances of the City of Kupreanof, Alaska, except where the state has exclusive jurisdiction over the offense.

1.01.08 Amendments to Code; Effect of new ordinances.

All ordinances passed after the adoption of this Code which amend, repeal or in any way affect this Code shall be numbered according to the numbering system of this Code. Repealed chapters, sections and subsections or any part thereof shall be excluded from the Code.

Amendments to this Code shall be made by specific reference to the section number of this Code in substantially the following language: “Section ___ of the Code of Ordinances of the City of Kupreanof, Alaska, is hereby amended to read as follows:”.

If a new chapter or section is to be added to this Code, substantially the following language shall be used: “The Code of Ordinances of the City of Kupreanof, Alaska, is hereby amended by addition of the following chapter (or section):”. The provision to be repealed must be specifically repealed by section or chapter number.

1.01.09 Distribution.

This Code with amendments shall be made available to the public for inspection on request. A copy of this code shall be furnished to the courts as needed or upon the request of the court.

1.01.10 Supplements.

Supplements to this Code shall be printed and included within this Code within 60 days after the council passes the law.

1.01.11 Time ordinances take effect.

An ordinance which has been approved by the City Council shall be effective 24 hours after passage, unless otherwise stated in the ordinance.

1.01.12 Repealer clause.

Upon adoption of this Code of Ordinances for the city of Kupreanof, Ordinance #76-1, Revised Ordinance #76.1 and Ordinance #77-1 shall automatically be repealed to avoid duplication.

1.02 CITY DATA.

1.02.01 Name of municipality – form of government.

(A) The City of Kupreanof shall continue as a municipal corporation under the name: “The City of Kupreanof, Alaska”.

(B) The Government of the City shall be that commonly known and designated as the mayor-council form.

1.02.02 City Limits.

(A) The boundaries of the City of Kupreanof are as follows: beginning at the southeast corner of section 5 surveyed township 59S, R79E, thence to the mid-point of the Wrangell Narrows, thence northerly and northeasterly following the meander of the midpoint of the Wrangell Narrows, to a point due south of the southernmost tip of Sasby Island thence northeasterly, and westerly, southwesterly paralleling Sasby Island at a distance of 300 yards to a point which intersects with the southern boundary line of the northwest $\frac{1}{4}$ of section 22 T58S, R79E thence west to the northwest corner of the southeast $\frac{1}{4}$ of section 21 T58S, R79E; thence south to the SW corner of the SE $\frac{1}{4}$ of section 21, T58S, R79E; thence west to the NW corner of section 29 T58, R79E; thence south to the SW corner of the NW $\frac{1}{4}$ of section 32, T58S, R79E; thence east to the NW corner of the SE $\frac{1}{4}$ of section 32, T58S, R79E; thence south to the SE corner of the SW $\frac{1}{4}$ of section 5, T59S, R79E; thence east to the point of beginning containing 3.2 square miles more or less.

(B) The boundaries of the city as above described were the effective City limits as of September 5, 1975.

1.03 ORDINANCES—RESOLUTIONS—TECHNICAL CODES.

1.03.01 Acts of the council.

The council shall act only by ordinance, or resolution. Laws of a general, uniform and permanent nature shall be reduced to ordinance. When the council expresses opinions, principles, facts or propositions, it shall be in the form of a resolution.

1.03.02 Acts required to be by ordinance.

In addition to other actions which Alaska Statute Title 29 (Municipal Government) requires to be by ordinance, the council shall use ordinances to:

- (A) Establish, alter or abolish municipal departments;
- (B) Amend or repeal an existing ordinance;
- (C) Fix the compensation of members of the council;
- (D) Provide for sale of property valued at more than twenty-five thousand dollars;
- (E) Provide for a fine or other penalty, or establish rules or regulations for violation of which a fine or other penalty is imposed;
- (F) Provide levying of taxes;
- (G) Make appropriations and supplemental appropriations or transfer appropriations;
- (H) Grant, renew, or extend a franchise;
- (I) Regulate the rate charged by a public utility;
- (J) Approve the transfer of a power to a borough;
- (K) Adopt, modify or repeal the comprehensive plan, zoning and subdivision ordinances, building and housing codes, and the official map.

1.03.03 Ordinance procedure.

- (A) A proposed ordinance may be presented for consideration only by a member of the council or by the mayor at any regular or special meeting of the council. Upon presentation, a proposed ordinance shall be rejected, deferred, reworded, or accepted as introduced. Promptly after acceptance by motion the council shall publish the proposed ordinance and a notice setting out the time and place for a public hearing on the proposed ordinance. The public hearing of proposed ordinance shall follow publication by at least five days; it may be held at a regular or special council meeting. At the public hearing copies of the proposed ordinance shall be given to all persons present who request them or the proposed ordinance shall be read in full. All interested persons shall have an opportunity to be heard. If the proposed ordinance is amended after the hearing as to any matter of major substance, the proposed ordinance shall be treated as a newly-introduced proposed ordinance. After the hearing, the council shall consider the proposed ordinance and may adopt it with or without amendment. The council shall print and make available copies of adopted ordinances.

(B) As used in this section, the term “publish” means that the notice of hearing shall be posted in three public places for at least five days.

1.03.04 Ordinance form and content.

(A) The proposed ordinance shall have a heading and number.

(B) Title: A short summary of the ordinance’s provisions shall be included in a title at the head of the ordinance. The title shall make reference to any penalties imposed by ordinance.

(C) Enacting clause: The enacting clause shall read: “BE IT ENACTED BY THE COUNCIL OF THE CITY OF KUPREANOF:”.

(D) Substantive part of the ordinance: The provisions of the ordinance shall follow the enacting clause.

(E) Signatures: Appropriate places shall be provided for the signatures of the mayor and the clerk.

(F) Attestation: The enactment and passage data of the ordinance shall be attested by the clerk.

(G) Code section numbers: Ordinances which amend, add to or repeal sections of Kupreanof Ordinance Code shall refer to the code section by number.

1.03.05 Emergency ordinances.

(A) To meet a public emergency the council may adopt ordinances effective on adoption. Every emergency ordinance must contain a statement by the council of why an emergency exists and a statement of the facts about the emergency. The ordinance may be adopted, amended and adopted, or rejected at the meeting at which it is introduced. The affirmative vote of all members present; or the affirmative vote of three-fourths of the total membership, whichever is less, is required for adoption. The council must print and make available copies of adopting emergency ordinances.

(B) An emergency ordinance may not be used to levy taxes, to grant, renew or extend a franchise, or to regulate the rate charged by a public utility for its services.

(C) Emergency ordinances are effective for sixty days.

1.03.06 Signature.

Each ordinance shall be signed by the mayor at its adoption and attested by the clerk.

1.03.07 Ordinances confined to a single subject.

Every ordinance shall be confined to one subject unless it is an appropriate ordinance or one codifying, revising, or rearranging existing ordinances. Ordinances for appropriations shall be confined to appropriations. The subject of each ordinance shall be expressed in the title.

1.03.08 Repeal shall not revive any ordinances.

The repeal of an ordinance shall not repeal the repealing clause of such ordinance or revive any ordinance which has been repealed.

1.03.09 Codes of regulations.

The council may in a single ordinance adopt or amend by reference provisions of a standard published code of regulations. The regular ordinance procedure applies except that neither the code of regulations nor its amendments need be distributed to the public or read in full at the hearings. For a period of fifteen days before the adoption of the regulations at least five copies of the code of regulations must be made available for public inspection at a time and place set out in the hearing notice. Only the adopting ordinance need be printed after adoption. The council may sell the adopted code to the public.

1.03.10 Formal acts by resolution.

- (A) Formal acts by the council not required by law to be enacted by ordinance and not being acts of a general and permanent nature and not being acts of a general and permanent nature may be adopted by resolution. A resolution shall have:
- a. The heading “City of Kupreanof, Alaska”;
 - b. The space for a number to be assigned: “Resolution, No. _____”;
 - c. A short and concise title descriptive of its subject and purpose;
 - d. Short premises or whereas clauses descriptive of the reason for the resolution, if necessary;
 - e. The resolving clause “Be it Resolved:”;
 - f. Provision for signature after the date, and designated lines for the signatures of the mayor and clerk;
 - g. An attestation.

(B) All resolutions adopted by the council whether at the request of a third party, or on the motion of the council, shall conform to the requirements set forth in (A) above.

(C) Resolutions shall not be included in any municipal code of ordinances.

1.03.11 Resolutions—Reading—Hearing—Adoption—Posting.

- (A) Every resolution shall be introduced in writing and shall be orally read before any vote for passage is taken.
- (B) On any vote to pass the resolution, all persons interested shall be given an opportunity to be heard. After such hearing, the council may finally pass such resolution with or without amendments.
- (C) After adoption, every resolution shall be posted in full on the city bulletin board. Every resolution, unless it shall specify a later date, shall become effective following adoption. If the resolution is submitted at a city election when state law requires, then after a majority of favorable votes of the city voters has been certified by the council, the resolution may be adopted.

Title 2

ADMINISTRATION: Table of Contents

Chapter	1	City Council
	Section.01	City Council—Composition
	.02	Qualifications of council members
	.03	Election of council members—Terms
	.04	Oath of office
	.05	Compensation of council members
	.06	Salaries of elected officers not to be varied
	.07	Conflicts of interest
	.08	Prohibitions
	.09	Vacancies
	.10	Filling a vacancy
Chapter	2	Mayor
	Section.01	Mayor as executive
	.02	Mayor pro tempore
	.03	Salary of mayor
Chapter	3	Council meetings
	Section.01	Meetings public
	.02	Regular council meetings
	.03	Special meetings
	.04	Notice
	.05	Executive session
Chapter	4	Council procedures
	Section.01	Mayor the presiding officer at council meetings
	.02	Meetings—Order of business
	.03	Minutes
	.04	Council rules—Speaking—Rules of conduct
	.05	Motions—Second required
	.06	Motions—Disposition—Withdrawal
	.07	Motions—Reduction to writing
	.08	Motions—Rescinding vote
	.09	Voting—Quorum
	.10	Duties of clerk at council meetings
Chapter	5	City Clerk—City Treasurer
	Section.01	Appointment—Term
	.02	City Clerk
	.03	Additional duties of the clerk

- .04 Acting clerk
- .05 Treasurer
- .06 Additional duties of treasurer

Chapter 6 City Attorney

- Section.01 City attorney
- .02 Duties of city attorney

Chapter 7 Responsibilities of officers and employees

- Section.01 Conduct in office
- .02 Investigations
- .03 Oath
- .04 Records
- .05 Reports

Chapter 8 Documents—Reports—Records

- Section.01 Documents—Assent—Approval—Attestation
- .02 Documents to file with the state
- .03 Retention, disposal of public records

Chapter 9 Organization & Regulation of Fire Department

- Section.01 Fire department established
- .02 Volunteer fire department
- .03 Fire chief
- .04 Rules and regulations
- .05 Training and records
- .06 Equipment

Chapter 10 Reserved: Organization & Regulation of Police Department

Chapter 11 Regulation of Transportation

- Section.01 Motorized Vehicles Prohibited
- .02 Exceptions Permits
- .03 Improving Surfaces
- .04 Emergency Vehicle Exemption

Chapter 12 Control of Firearms

- Section .01 Prohibition of Firearm Discharge

Chapter 13 Trapping Regulations

- Section .01 Purpose
- .02 Definitions as used in this chapter
- .03 Exceptions
- .04 Prohibited Area Boundaries

Chapter 14 RESERVED: Hunting

Chapter 15 Permanent Fund

- Section.01 Fund established
- .02 Purpose of fund
- .03 Investments
- .04 Accounting for earnings
- .05 Inflation proofing

Title 2

ADMINISTRATION

2.01 CITY COUNCIL

2.01.01 City Council—Composition.

The council shall consist of seven members elected by the voters at large.

2.01.02 Qualifications of council members.

The council members shall be qualified city voters.

A council member who ceases to be eligible to be a city voter immediately forfeits his office.

2.01.03 Election of council members—Terms.

An election is held annually on the first Tuesday of October, to choose council members for three-year terms and until their successors are elected and have qualified. The regular term of office begins on the first Monday following the certification of election.

2.01.04 Oath of office.

(A) All officers elected or appointed before entering upon the duties of office shall affirm in writing the following oath and affirmation: I do solemnly swear that I will support the Constitution of the United States and State of Alaska and the laws and ordinances of the City of Kupreanof, Alaska, and that I will honestly, faithfully and impartially perform the duties of the office of so help me God.”

(B) The oath is filed with the municipal clerk.

2.01.05 Compensation of council members.

Each member of the council shall receive no salary or compensation for each regular or special meeting of the council attended. The salary or compensation of council members shall not be changed during their term of office.

2.01.06 Salaries of elected officers not to be varied.

The council may fix by ordinance the salaries of elected officers before they are elected. Salaries may not be changed during a term of office. An elected officer may not receive any other compensation for service to the city. Per diem payments or reimbursements for expenses are not compensation under this section.

2.01.07 Conflicts of interest.

- (A) A member of the governing body shall declare a substantial financial interest the member has in an official action and ask to be excused from a vote on the matter;
- (B) The presiding officer shall rule on a request by a member of the governing body to be excused from a vote;
- (C) The decision of the presiding officer on a request by a member of the governing body to be excused from a vote may be overridden by the majority vote of the governing body; and
- (D) A municipal employee or official, other than a member of the governing body, may not participate in an official action in which the employee or official has a substantial financial interest.

2.01.08 Prohibitions.

No person may be appointed to or removed from city office or in any way favored or discriminated against with respect to a city position because of his race, religion, color, national ancestry, physical or mental disability, age, sex, marital status, changes in marital status, pregnancy, or parenthood or, unless otherwise contrary to law, because of his political opinions or affiliations. Alaska Statute Chapter 18.80 is applicable beyond the scope of this ordinance.

2.01.09 Vacancies.

An elected city office is vacated under the following conditions. The council shall declare an elective office vacant when the person elected:

- (A) Fails to qualify or take office within thirty (30) days after his election or appointment;
- (B) Is physically absent from the city for a ninety (90) day period, unless excused by council;
- (C) Resigns and his resignation is accepted;
- (D) Is physically or mentally unable to perform the duties of his office;
- (E) Is removed from office;
- (F) Misses three consecutive regular meetings unless excused; or
- (G) Is convicted of a felony or of an offense involving a violation of his oath of office.

2.01.10 Filling a vacancy.

If a vacancy occurs in the council the position shall be filled by the candidate with the highest number of votes not elected in the previous election otherwise by appointment by the chief administrator subject to council approval and shall serve until the next regular city election.

2.02 MAYOR

2.02.01 Mayor as executive.

(A) The mayor is elected by and from the council. The mayor is the chief executive officer of the city. He shall preside at council meetings, act as ceremonial head of the city, and sign documents on the city's behalf upon council authorization.

(B) The mayor shall:

- (1) Appoint city employees and administrative officers, except as provided otherwise. He may hire necessary administrative assistants and may authorize an appointive administrative officer to appoint, suspend, or remove subordinates in his department, subject to council approval;
- (2) Suspend or remove by written order city employees and administrative officers, except as provided otherwise;
- (3) Supervise enforcement of city law;
- (4) Prepare the annual budget and city construction program for the council;
- (5) Execute the budget and construction program as adopted;
- (6) Make monthly financial reports to the council on city finances and operations;
- (7) Report to the council at the end of each fiscal year on the finances and administrative activities of the city;
- (8) Prepare and make available for public distribution an annual report on city affairs;
- (9) Serve as city personnel officer unless the council authorizes him to appoint a personnel officer; and
- (10) Execute other powers and duties specified in Alaska Statute Title 29 or lawfully prescribed by the council.

2.02.02 Mayor pro tempore.

Should the office of the mayor become vacant, or if the existing mayor is disabled or unable to act, the council may appoint a mayor pro-tempore, to serve until the mayor resumes his official duties, or until a new mayor is qualified.

2.02.03 Compensation of mayor.

The mayor of the city shall receive no compensation for each regular and special meeting of the council attended.

2.03 COUNCIL MEETINGS

2.03.01 Meetings public.

Meetings of all municipal bodies shall be public. The council shall provide reasonable opportunity for the public to be heard at regular and special meetings.

2.03.02 Regular council meetings.

- (A) All regular meetings of the council shall be held monthly as decided by the council at each meeting.
- (B) The place of council meetings shall be held in the City of Kupreanof Community Building.

2.03.03 Special Meetings.

- (A) Special meetings of the council are those meetings which are called by the mayor or any two members of the council for a time different than the fixed for the regular council meetings. The location of all special council meetings shall be the same as that authorized for regular meetings.
- (B) Advance notice of at least twenty-four (24) hours preceding a special meeting shall be given to each council member. The notice shall specify the time, place and subject matter of the meeting. No business shall be transacted at the meeting which is not mentioned in the notice. Such notice shall be served personally on each member of the council or left at his usual place of business or residence by the city clerk or his designee.

2.03.04 Notice.

For the purpose of giving notice of meetings, reasonable public notice is given if a statement containing the date, time and place of the meeting is posted not less than twenty-four (24) hours before the time of the meeting.

2.03.05 Executive session.

- (A) The following subjects may be discussed in an executive session:
 - (1) Matters the immediate knowledge of which would clearly have an adverse effect upon the finances of the government unit; or
 - (2) Subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion.
- (B) The following shall be discussed in executive session when the best interest of the city so requires:
 - (1) Negotiations with labor organizations representing city employees; or
 - (2) Discussions of pending or threatened lawsuits in which the city has an interest.

2.04 COUNCIL PROCEDURES

2.04.01 Mayor the presiding officer at council meetings.

- (A) The mayor shall preside at all meetings of the council. He shall preserve order among the council members, and is responsible for conduct of all members according to the rules of the council. He may at any time make such rules as he considers proper to preserve order among spectators in the city council room during sessions of the council.
- (B) In the temporary absence or disability of the mayor, or mayor pro tempore, any member of the city council may call the council to order at any duly called meeting to elect a president pro tempore from among its number and the president pro tempore shall exercise all the powers of mayor during such temporary absence or disability of the mayor and may also vote.

2.04.02 Meetings—Order of business.

At every regular meeting of the city council the order of business shall be as follows:

- (A) Call to order;
- (B) Roll call;
- (C) Minutes of previous meeting;
- (D) Reports;
- (E) Communications and appearance of requests;
- (F) Hearings, ordinances and resolutions;
- (G) Bids;
- (H) Old business;
- (I) New business;
- (J) Audience participation;
- (K) Council comments; and
- (L) Adjournment.

2.04.03 Minutes.

Minutes of all regular and special meetings shall be taken. All minutes of regular and special meetings shall be kept in the journal of the proceedings of the council. The minutes are public record and are to be made available to anyone upon request.

2.04.04 Council rules—Speaking—Rules of conduct.

- (A) A council member about to speak shall respectfully address the mayor or presiding officer, and shall not commence to speak until recognized by the mayor or presiding officer. When

two or more members request to speak at the same time, the mayor or presiding officer shall determine which one is recognized.

(B) Every member while speaking shall confine himself to the subject under debate, and shall not refer to any other member of the council except in a respectful manner.

(C) The council shall abide by Roberts Rules of Order revised.

2.04.05 Motions—Second required.

All motions shall require a second, unless otherwise provided by special rule.

2.04.06 Motions—Disposition—Withdrawal.

After a motion is seconded and stated or read by the mayor or presiding officer, it shall be considered to be in the possession of the council and shall be disposed of by vote, but the council member making the motion may withdraw it at any time before the vote, if the second agrees.

2.04.07 Motions—Reduction to writing.

Any motion must be reduced to writing if the mayor or presiding officer requires or if any council member demands.

2.04.08 Motions—Rescinding vote.

Any previous vote on a motion may be rescinded by vote of the majority of the council.

2.04.09 Voting—Quorum.

(A) Four council members constitute a quorum. Four affirmative votes are required for passage of an ordinance, resolution, or motion.

(B) The final vote on each ordinance, resolution or substantive motion is a recorded roll call vote. All council members present shall vote unless the council, for special reasons, permits a member to abstain.

(C) The mayor or presiding officer shall declare all votes: he shall declare the result.

2.04.10 Duties of the clerk at council meetings.

The city clerk shall give notice of city council meetings, shall attend all meetings of the council and keep the journal of its proceedings, shall authenticate by his signature and record in full in a book or file kept for that purpose all ordinances and resolutions duly indexed and open to public inspection. In case of the temporary absence of the city clerk, and city council may appoint a clerk pro tempore, with all the powers, duties and obligations of the city clerk.

2.05 CITY CLERK—CITY TREASURER

2.05.01 Appointment—Term.

The city clerk shall be appointed by the council. He shall hold office at the pleasure of the council.

2.05.02 City clerk.

(A) The city clerk shall:

- (1) Give notice of the time and place of council meetings to the council and to the public;
- (2) Attend council meetings and keep the journal;
- (3) Arrange publication of notices, ordinances and resolutions;
- (4) Maintain and make available for public inspection an indexed file including the city ordinances, resolutions, rules, regulations and codes;
- (5) Attest deeds and other documents; and
- (6) Perform other duties specified in this title or prescribed in this title or prescribed by the mayor or by the council.

(B) The council may combine the office of clerk with that of treasurer.

2.05.03 Additional duties of the clerk.

(A) The city clerk shall record and certify all actions of the council.

(B) The city clerk shall have the power to administer all oaths required by law.

(C) The city clerk shall be custodian of the city seal and the official records of the city.

(D) The city clerk shall give to the proper officials ample notice of the expiration or termination of any term of office and, when necessary, the conditions or requirements of all bonds, franchises, contracts or agreements.

(E) The city clerk shall be the city election registrar and shall be responsible for the calling and supervision of all city elections.

2.05.04 Acting clerk.

In case of the temporary absence of the city clerk, the council may appoint an acting city clerk, with the powers and obligations of the city clerk.

2.05.05 Treasurer.

(A) There shall be a city treasurer who shall be appointed by the council.

(B) The treasurer is the custodian of all city funds. He shall keep an itemized account of money received and disbursed.

(C) The treasurer shall give bond to the municipality in a sum which the council directs.

2.05.06 Additional duties of the treasurer.

The treasurer shall:

- (A) Be responsible for all matters pertaining to the maintenance of all accounts of the city, and the maintenance and care of all property used by the city;
- (B) Compile the annual budget of the city based upon detailed department estimates and work programs and control it under direction of the mayor.
- (C) Prepare and submit to the mayor such financial reports and data as may be required;
- (D) Prescribe and control such procedures as are necessary to protect the city funds and property; and
- (E) Perform such other duties as the mayor or council may require.

2.06 CITY ATTORNEY

2.06.01 City attorney.

There may be a city attorney who shall be appointed by the council. He shall hold office at the pleasure of the council.

2.06.02 Duties of city attorney.

The city attorney may:

- (A) Be charged with the performance of all legal services of the city, including those of legal advisor to the council, the mayor and to all departments and offices of the city;
- (B) Upon the request of the city council, take the necessary steps to arrange for the prosecution of violations of the city ordinances;
- (C) Represent the city in all matters, civil and criminal, in which the city is interested;
- (D) Draft any ordinance when required by the city council or mayor;
- (E) Perform such other duties as may be required by the city council or the ordinances of the city;
- (F) Attend meetings of the city council;
- (G) Report to the city council promptly all suits brought against the city;
- (H) Call to the attention of the city council and the mayor all matters of all affecting the city;

- (I) Render all opinions in writing, as far as is practicable; and
- (J) Maintain a record of all his opinions rendered and turn such record over to his successor in office.

2.07 RESPONSIBILITIES OF OFFICERS AND EMPLOYEES

2.07.01 Conduct in office—Investigations—Oath—Records—Reports.

- (A) The council, the mayor, or any person or committee authorized by either of them shall have power to inquire into the conduct of any office, department, or officer of the city and to make investigations in municipal affairs and compel the production of books, papers and other evidence. Failure to obey such orders to produce books or evidence shall constitute grounds for immediate discharge of any officer or employee of the city.
- (B) All officers of the city, including mayor and council members, shall before entering upon the duties of his office severally take an oath in writing to honestly, faithfully and impartially perform and discharge the duties of his office and trust, which oath shall be filed with the city clerk. (Refer to Section 2.01.04.)
- (C) All records and accounts of every office and department of the city shall be opened to inspection by any person. Except that records and documents the disclosure of which would tend to defeat the lawful purpose for which they were intended, may be withheld from inspection. Such records as are required by state law or city ordinance to be kept confidential are not open to inspection. Each department head shall be held responsible for the preservation of all public records under his jurisdiction and shall provide a system of filing. No public records, reports, correspondence or other data relative to the business of any department shall be destroyed or removed permanently from the files without the knowledge and approval of the city clerk.

2.08 DOCUMENTS—REPORTS—RECORDS

2.08.01 Documents—Assent—Approval—Attestation.

All legal documents requiring the assent of the city shall be:

- (A) Approved by the city council;
- (B) Signed by the mayor on behalf of the city; and
- (C) Attested to thereon by the clerk.

2.08.02 Documents to file with the state.

The city shall file with the State Department of Community and Regional Affairs:

- (A) Maps and descriptions of all annexed or excluded territory;
- (B) A copy of an audit or statement of annual income and expenditures; and

(C) Tax assessment figures as requested.

2.08.03 Retention, disposal of public records.

Records Retention Program—Records Retention Schedule. The mayor shall prepare a schedule of records specifically the records to be:

(A) Retained permanently;

(B) Destroyed;

(C) Disposed of routinely in the regular course of public business.

The records retention schedule shall list with sufficient detail for identification records without legal or administrative value or historical interest to be destroyed, and periodically disposed of by the city. Records to be destroyed shall be certified by the city clerk as having no legal or administrative value or historic interest.

2.09 ORGANIZATION AND REGULATION OF FIRE ORDINANCE

2.09.01 Fire department established.

There shall be a fire department in and for the city to be known as the Kupreanof Fire Department. It shall consist of a fire chief and assistant chief (or chiefs), and as many other officers and firefighters as may be deemed necessary for the effective operation of the department.

2.09.02 Volunteer fire department.

(A) Organization: Members of the fire department may organize into a voluntary association with the election of their own officers and by-laws.

(B) Limitation of powers of volunteer department: The voluntary association shall in no way limit the powers of the fire chief. All property used by the fire department is and remains the property of the city and all expenses of the fire department shall be paid by check upon proper voucher by the regular city authorities.

(C) Funding by city: From time to time in such amounts as the council deems advisable, payment may be made to the volunteer department for the purpose of giving that association funds with which to reimburse members for clothing damaged while attending fires and for such other purposes in keeping with its functions.

2.09.03 Fire chief.

(A) Appointment: The fire chief shall be appointed by the council and shall be responsible to that body. His appointment shall be for an indefinite period of time and with tenure of office depending upon his good conduct and efficiency. He shall be technically qualified through training and experience and shall have the ability to command men. He shall be removed only for just cause and after a public hearing before the council.

(B) Powers and duties:

- (1) The fire chief shall determine the number and kind of companies of which the department is to be composed and shall determine the response of such companies to alarms.
- (2) He shall appoint all other officers and fire fighters (both paid and volunteer). Such appointments shall be insofar as possible following fair and impartial competitive examination. All officers shall be accountable to the fire chief or his representative.
- (3) He shall annually submit a tentative budget for his department upon request of the council.
- (4) He shall assist the proper authorities in suppressing the crime of arson by investigating or causing to be investigated the cause, origin and circumstances of all fires.

2.09.04 Rules and regulations.

The fire chief shall maintain and enforce an up-to-date comprehensive set of rules and regulations governing the discipline, training and operation of the fire department. Such rules, regulations and any deletions, charges or additions shall be effective when approved and filed with the council. The fire chief shall carry out strictly the enforcement of these rules and regulations and is authorized to suspend or remove from service any officer or firefighter as provided in the rules and regulations.

2.09.05 Training and records.

- (A) Drills and training: The fire chief or his representative shall provide for suitable drills covering the operations and handling of all equipment essential for efficient department operation. In addition, he shall provide sessions of instruction to include such subjects as first aid, water supplies, and other subjects related to fire suppression at the discretion of the fire marshall.
- (B) Records: The fire chief shall see that complete records are kept of all apparatus, equipment, personnel, training, inspections, fires and other department activities.
- (C) Reports: Current records and comparative data for previous years and recommendations for improving the effectiveness of the department shall be included in an annual report. Such other reports as may be required concerning the department in general, giving suggestions and recommendations for major improvements, and listing other data so as to maintain a complete record of the activities of the department shall also be prepared.

2.09.06 City owned equipment.

- (A) The fire chief shall be responsible to the council for recommending such apparatus or other fire fighting equipment as may be required to maintain fire department efficiency, and for providing suitable arrangements and equipment for reporting fires or emergencies, and for notifying all members of the department to assure prompt response to such incidents.

(B) The fire chief or his authorized representative shall have power to assign equipment for response to calls for outside aid where agreements are in force and in other cases only when the absence of such equipment will not jeopardize protection of this city.

(C) No person shall use any fire apparatus or equipment for any private purpose, nor shall any person willfully and without prior authority take away or conceal any article used in any way by the department.

(D) No person shall enter any place where fire apparatus is housed or handle apparatus or equipment belonging to the department unless accompanied by or having the special permission of an officer or authorized member of the department.

2.10 RESERVED: ORGANIZATION AND REGULATION OF POLICE DEPARTMENT

2.11 REGULATION OF TRANSPORTATION

2.11.01 Motorized Vehicles Prohibited.

All motorized land vehicles, such as motorcycles, motorbikes, all-purpose land utility or recreational equipment, snowmobiles, allterrain vehicles, etc., shall be prohibited within city limits except on private property.

2.11.02 Exceptions Permits.

Special permits for exceptions may be granted by the city council. Permits shall be for a specific duration of time and a fee as the council directs.

2.11.03 Improving Surfaces.

Improved surfaces for all public accesses and easements shall be limited to six (6) feet, three (3) on each side of center.

2.11.04 Emergency Vehicle Exemption.

Vehicles for emergency use only are exempted from the restrictions of this ordinance.

2.12 CONTROL OF FIREARMS

2.12.01 Prohibition of Firearm Discharge.

The discharge of firearms is prohibited within the corporate limits of the city of Kupreanof with the following exceptions:

(A) Residents may discharge firearms within the limits of their own private property if safety precautions are observed and if such use does not constitute a nuisance or hazard to adjacent property owners.

(B) Non-residents may discharge firearms only on private property and only with the permission of the property owner and under the conditions stated in 2.12.01(A).

2.13 TRAPPING REGULATIONS

2.13.01 - Purpose

This chapter is enacted for the purpose of regulating the trapping of animals within the corporate boundaries of the city.

2.13.02 - Definitions as used in this chapter:

A. "Animal" means fur bearer as defined in 5 AAC 92.990 of the Alaska Administrative Code.

B. "Trap" means a contrivance used for catching game or other animals such as a mechanical device that springs shut suddenly, a pitfall, or a snare.

2.13.03 - Exceptions.

A. For the protection of the health and safety of the residents of the city, the Alaska Department of Fish and Game, Alaska Department of Public Safety, U.S. Fish and Wildlife Service or their authorized agents or designees, may, upon notice to the city, trap animals within the area in which trapping is expressly prohibited by this chapter.

B. Private property. Trapping of animals is prohibited upon privately owned property without the express permission of the owner of record. No traps are permitted within 500 feet of each side of the public access trail. Any traps found within 500 feet of the public access trail will be confiscated.

2.13.04 - Prohibited area boundaries.

A. Trapping of animals is prohibited within the area of the boundaries of the city described as follows: The boundaries of the City of Kupreanof are as follows: beginning at the southeast corner of section 5 surveyed township 59S, R79E, thence to the mid-point of the Wrangell Narrows, thence northerly and northeasterly following the meander of the midpoint of the Wrangell Narrows, to a point due south of the southernmost tip of Sasby Island thence northeasterly, and westerly, southwesterly paralleling Sasby Island at a distance of 300 yards to a point which intersects with the southern boundary line of the northwest $\frac{1}{4}$ of section 22 T58S, R79E thence west to the northwest corner of the southeast $\frac{1}{4}$ of section 21 T58S, R79E; thence south to the SW corner of the SE $\frac{1}{4}$ of section 21, T58S, R79E; thence west to the NW corner of section 29 T58, R79E; thence south to the SW corner of the NW $\frac{1}{4}$ of section 32, T58S, R79E; thence east to the NW corner of the SE $\frac{1}{4}$ of section 32, T58S, R79E; thence south to the SE corner of the SW $\frac{1}{4}$ of section 5, T59S, R79E; thence east to the point of beginning containing 3.2 square miles more or less.

2.14 RESERVED: HUNTING

2.15 PERMANENT FUND

2.15.01 Fund Establishment.

There is established as a separate fund the Kupreanof Permanent Fund. The Kupreanof Permanent Fund consists of money appropriated to the Kupreanof Permanent Fund by the

Council. Such appropriation may be made by inclusion of the amounts to be appropriated in the annual budget or may be made by separate ordinance.

2.15.02 Purpose of Fund.

The purpose of the Kupreanof Permanent Fund is to maximize income for the continuing operations of general government of the City of Kupreanof. Income from the Kupreanof Permanent Fund shall be deposited in the General Fund as required to balance the budget.

2.15.03 Investments.

- (A) The prudent man rule shall be applied in the management and investment of Kupreanof Permanent Fund assets. The prudent man rule means that in making investments the same judgment and care under the circumstances then prevailing shall be exercised which an institutional investor of ordinary prudence, discretion, and intelligence exercises in the management of large investments entrusted to it not in regard to speculation, but in regard to the permanent disposition of funds, considering probable safety of capital as well as probable income.
- (B) The Kupreanof Permanent Fund assets shall only be used for income-producing investments.
- (C) The Kupreanof Permanent Fund assets may be invested at such competitive national market rates or prices as are applicable to each investment only in:
 - (1) Obligations of, or obligations insured by or guaranteed by, the United States or agencies or instrumentalities of the United States;
 - (2) Obligations secured by reserves paid in by the United States or agencies or instrumentalities of the United States or obligations of corporations in which the United States is a shareholder or member;
 - (3) Certificates of deposit and term deposits of United States domestic banks which are members of the Federal Deposit Insurance Corporation and which may be readily sold in a secondary market at prices reflecting fair value or which are fully secured at all times as to payment of principal and interest as described in (D) of this section;
 - (4) Certificates of deposit and term deposits of federally chartered savings and loan associations in Alaska which may be readily sold in a secondary market at prices reflecting fair value or which are fully secured at all times as to payments of principal and interest as described in (D) of this section;
 - (5) Certificates of deposit and term deposits of state chartered savings and loan associations in Alaska which may be readily sold in a secondary market at prices reflecting fair value or which are fully secured at all times as to payments of principal and interest as described in (D) of this section;
 - (6) Certificates of deposit and term deposits of mutual savings banks in Alaska which may be readily sold in a secondary market at prices reflecting fair value or which

are fully secured at all times as to payments of principal and interest as described in (D) of this section;

- (7) Fixed-term certificates of indebtedness of federally insured credit unions in Alaska which may be readily sold in a secondary market at prices reflecting fair value or which are fully secured at all times as to payments of principal and interest as described in (D) of this section;
- (8) Corporate debt securities which are rated AA or better by a nationally recognized rating service;
- (9) Short-term corporate promissory notes of the highest rating assigned by a nationally recognized rating service;
- (10) Bankers' acceptances drawn on and accepted by United States banks each of which have a combined capital and surplus aggregating at least \$200,000,000;
- (11) Repurchase agreements, the securities underlying the agreement being any of the items in (1) of this subsection;
- (12) The guaranteed portion of Federal Small Business Administration loans;
- (13) The portion of first lien real estate mortgages guaranteed by the Federal Veterans Administration;
- (14) The portions of business and industrial loans made under the Rural Development Act of 1972 which are guaranteed by the Farmers Home Administration;
- (15) The guaranteed portion of Farmers Home Administration loans.

(D) Certificates of deposit or the equivalent instruments which are not of a quality that may be readily sold in a secondary market at prices reflecting fair value must be secured by a pledge as collateral of investments authorized for the Kupreanof Permanent Fund under (C) (1), (2), (8), or (12) through (15) of this subsection, which investments have value at least equal to the face value of the certificate of deposit. Substitution of collateral may be required in order to ensure continued satisfaction of the requirements set out in this subsection.

2.15.04 Accounting for Earnings.

The net income of the Kupreanof Permanent Fund shall be computed in accordance with generally accepted accounting principles.

2.15.050 Inflation Proofing.

(A) On or before the second Tuesday of May of each year the municipal administrator shall cause to be introduced an ordinance proposing the reinvestment into the Kupreanof Permanent Fund of a portion of the net income in an amount sufficient to offset the effects of inflation on the fund assets over the previous year and set aside a minimum of 25% of all unallocated revenue to be added to the Permanent Fund.

- (B) The administrator is hereby directed to annually prepare the annual budget for submission to the Council which assumes reinvestment into the Kupreanof Permanent Fund of a portion of the net income in an amount sufficient to offset the effects of inflation on the fund's assets over the previous year and transfer of 25% of unallocated revenues from the General Fund to the Permanent Fund.
- (C) The ordinance set out in subsection (B) above, shall in any event be advertised and a public hearing held on it within 30 days of introduction. The council, in its sole discretion, may increase or decrease the amount of the sum proposed for reinvestment to any amount or may vote to reinvest nothing.
- (D) The method used by the administrator to approximate the inflation rate shall be based upon a nationally recognized index for the prior calendar year.

Title 3

ELECTIONS: Table of Contents

Chapter 1 City Elections – General

- Section.01 Administration of elections
- .02 Voter Qualification
- .03 General election – time
- .04 Special election – time
- .05 Expenses
- .06 Time off for voting
- .07 Majority elections

Chapter 2 Election Officials

- Section.01 Election duties of city clerk – general
- .02 Election judges and clerks
- .03 Filling vacancies in election board
- .04 Elections officials – oath
- .05 Canvass committee

Chapter 3 Candidates – Nominations

- Section.01 Candidates – qualifications
- .02 Declaration of candidacy – form and filing
- .03 Declaration of candidacy – time for filing
- .04 Declaration of candidacy – record
- .05 Declaration of candidacy – time for withdrawing candidacy

Chapter 4 Notice of Elections

- Section.01 Notice of election
- .02 Content of election notice

Chapter 5 Election Equipment

- Section.01 Election booths
- .02 Furnishing instruction cards
- .03 Ballots – printing and inspection
- .04 Ballots – form
- .05 Sample ballots
- .06 Registration index and original register – distribution of precinct officials

Chapter 6 Election Procedures

- Section.01 Time for opening and closing polls
- .02 Distribution of ballots
- .03 Preparation of a ballot box

- .04 Voting procedure
- .05 Marking of ballots by voters
- .06 Challenging voters
- .07 Questioning a voter's ballot
- .08 Challenged ballots – disposition
- .09 Ballots – counting and tallying
- .10 Defective unused ballots
- .11 Election certificate
- .12 Majority decision of election board
- .13 Prohibitions near election polls

Chapter 7 Canvassing of Election Returns

- Section.01 Canvass committee – meeting – postponing canvass
- .02 Canvass to be made public
- .03 Investigation of challenged ballots
- .04 Challenged ballots – subpoenas
- .05 Canvass committee – report – contents
- .06 Results of election – public declaration
- .07 Certificate of election

Chapter 8 Absentee Voting

- Section.01 Absentee voting – eligible persons
- .02 Absentee ballots – application, filing
- .03 Absentee ballots – delivery
- .04 Notation of ballot number and date of application
- .05 Completion and return of absentee ballots
- .06 Absentee voting at clerk's office – surrender of absentee voter's ballot
- .07 Absentee ballots – executing outside city
- .08 Absentee ballots – receipt
- .09 Absentee ballots – voting supplies
- .10 Liberal construction

Chapter 9 Contest of Election

- Section.01 Contest of election
- .02 Recount expenses – appeal
- .03 Contest of election – investigation
- .04 Ballot recount
- .05 Prohibited practices alleged
- .06 Sustained charges – recount
- .07 Determination of tie votes

Chapter 10 (Reserved)

Chapter 11 (Reserved)

Chapter 12 (Reserved)

Title 3

ELECTIONS

3.01 CITY ELECTIONS – GENERAL

3.01.01 Administration of Elections.

The council shall prescribe the general rules for conducting city elections

3.01.02 Voter Qualification.

A person may vote only if he is qualified to vote in state elections and has been a resident of the city for 30 days immediately preceding the election and who is registered to vote in state elections and is not disqualified under Article V of the State Constitution.

3.01.03 General Election – Time.

On the first Tuesday of October of each year a general election shall be held in the city, for the purpose of filling vacant city offices. The determination of other matters may be placed on the ballot.

3.01.04 Special Election – Time.

The city council, by resolution, may order that a special election be held.

3.01.05 Expenses.

The city shall pay all necessary election expenses, including those of securing places for polls and providing ballot boxes, ballots, voting booths, screens, national and state flags and other supplies, and any wages due judges and clerks. Salaries for the election judges and clerks shall be set by the council. However, all expenses of a recount shall be paid by the candidate or voters contesting the election, unless the results of the election are changed by the recount. If the recount is requested by voters, each shall be individually liable for the total amount of such expenses.

3.01.06 Time Off for Voting.

Any qualified voter who does not have time to vote at any city, borough, state or national election may, without loss of pay, take off working time that will enable him to vote.

3.01.07 Majority Elections.

If no candidate receives in excess of 40 percent of the votes cast for his respective office, the council shall hold a runoff election between the two candidates receiving the greatest number of votes for office. Notice of a runoff election shall be published at least five days before the election.

3.02 ELECTION OFFICIALS

3.02.01 Election Duties of City Clerk – General.

The city clerk or his designee shall perform the duties necessary for the administration of city elections. The election duties of the city clerk include, among other duties, obtaining from the State of Alaska a list of voters registered in accordance with Alaska Statutes 15.07.040. The clerk may publish notices urging voter registration and may cooperate with the State of Alaska in encouraging city residents to register.

3.02.02 Election Judges and Clerks.

(A) Before each city election, the council shall appoint three judges for each city polling place to constitute the election board for each city polling place. One judge in each polling place shall be designated chairman by the council and shall be responsible for the election in that polling place. The city clerk may appoint up to three additional election clerks at any polling place when necessary to facilitate the orderly conduct of the election or to relieve the judges or clerks of undue hardship.

(B) Each judge or clerk must be a qualified voter of the city.

3.02.03 Filling Vacancies in Election Board.

If an appointed judge or clerk fails to appear and subscribe the oath on election day or becomes unable to work during the time of the election or canvass, the election board members present shall elect, by majority voice vote, a qualified voter to fill the vacancy.

3.02.04 Election Officials – Oath.

The city clerk shall choose an election judge from each polling place to appear before the city clerk and take the oath set out in this section. This election official shall administer the same oath to all other election judges and clerks at his polling place. The oath shall be as follows: “I . . . do solemnly swear that I will honestly and faithfully perform the duties of election. All of this I will perform to the best of my ability, so help me God.”

3.02.05 Canvass Committee.

The council shall serve as a canvass committee which shall canvass all voters after the election judges have completed their tally of votes.

3.03 CANDIDATES – NOMINATIONS

3.03.01 Candidates – Qualifications.

No person shall hold any elective city office or be eligible to seek election to any elective office unless he is a qualified voter of the city.

3.03.02 Declaration of Candidacy – Form and Filing.

A person who wishes to become a candidate for elected office shall complete and file a declaration of candidacy. The declaration shall be completed under oath before the city clerk and on a form provided by the city clerk. The declaration shall state definitely:

- (A) The full name of the candidate and manner in which he wishes his name to appear on the ballot;
- (B) The full residence address of the candidate;
- (C) The full mailing address of the candidate;
- (D) The office for which the candidate declares;
- (E) That the candidate is a qualified voter and resides in the city;
- (F) That the candidate agrees to serve if elected to the office of council-member for a term of three (3) years.

3.03.03 Declaration of Candidacy – Time for Filing.

A declaration of candidacy shall be filed with the city clerk no earlier than forty-five (45) days nor later than thirty (30) days before the election.

3.03.04 Declaration of Candidacy – Record.

The city clerk shall maintain a record containing the name and address of every person who filed a declaration of candidacy and also the date and time of the filing.

3.03.05 Declaration of Candidacy – Time for Withdrawing Candidacy.

A candidate may withdraw his declaration of candidacy through the last day for filing declarations, by submitting a written notice of withdrawal with the city clerk.

3.04 NOTICE OF ELECTIONS

3.04.01 Notice of Election.

The city clerk shall give at least ten (10) days' notice of each general election and twenty (20) days' notice of each special election by posting notice in three (3) places within the city. If the city has precincts in two or more places, notices shall be posted in each voting precinct.

3.04.02 Contents of Election Notice.

Notices for general or special elections must contain the following:

- (A) The date of the election;
- (B) The offices to be filled or the propositions to be voted upon;
- (C) The time the polling places will open and close;

- (D) The location of city polling places;
- (E) A boundary description of the voting precinct, or a reference to the Alaska Administrative Code sections establishing precinct boundaries;
- (F) The procedure for declaring candidacy; and
- (G) Whether the election is general or special.

3.05 ELECTION EQUIPMENT

3.05.01 Election Booths.

The city clerk shall provide booths at each polling place, with enough supplies and materials to enable each voter to make his ballot hidden from observation. At least three sides of each booth shall be placed outside the voting booths within plain view of the judges and clerks, voters, and other persons at the polling places.

3.05.02 Furnishing Instrument Cards.

The city clerk shall furnish to each election board instructions for the guidance of voters covering the following:

- (A) How to obtain ballots;
- (B) The manner for marking them;
- (C) The method for obtaining information; and
- (D) How to obtain a new ballot to replace any ballot destroyed or spoiled.

The clerk shall furnish a necessary number of these instruction sheets to the election judges in each voting place.

3.05.03 Ballots – Printing and Inspection.

In all city elections, the city clerk shall be responsible for the printing of ballots. The ballots shall be printed and in the possession of the city clerk at least five (5) days before the election and available for inspection by the candidates or the public.

3.05.04 Ballots – Form.

- (A) A ballot shall show the list of candidates and issues to be decided at the election.
- (B) Before the list of candidates for each office there shall be placed the words “vote for not more than three,” or “vote for not more than one,” or such other number as are to be elected.

- (C) Under the title of each office and below the printed names of the candidates, there shall be printed the number of candidates to be elected to the office.
- (D) Somewhere on the ballot, so as to be clearly visible, shall be printed the words:
- (1) "OFFICIAL BALLOT;"
 - (2) The date of the election; and
 - (3) An example of the signature of the clerk who had the ballots printed.
- (E) The ballots shall be printed on plain white paper and numbered in consecutive order. The names of the candidates shall be printed in capital letters the same size. On each line on which the name of a candidate is printed and on the line of each blank provided for write-in candidates, a square not less than one-quarter of an inch on each side shall be printed.
- (F) The names of candidates shall be printed as they appear upon the petitions filed with the city clerk, except that any honorary or assumed title or prefix shall be omitted.
- (G) Following the names of the offices and candidates, there shall be placed on the ballot all propositions and questions to be voted upon. The words "Yes" and "No" shall be placed below the statement of each proposition and question.

3.05.05 Sample ballots.

The city clerk shall have a number of sample ballots printed. The sample ballots shall be printed on non-white paper and clearly labeled as a "sample ballot." Sample ballots shall be delivered to the election board in each voting place.

3.05.06 Registration Index and Original Register – Distribution to Precinct Officials.

Prior to the opening of the polls, the city clerk shall deliver a registration list and an original register to the election officials in every voting place. The original register shall provide enough space to allow voters to sign their name and enter their address. A record shall be kept in the original register of the names of persons who voted a question ballot and question ballots will be reviewed by the Canvas Committee. The signing of the register is a declaration by the voter that he is qualified to vote.

3.06 ELECTION PROCEDURES

3.06.01 Time for Opening and Closing Polls.

- (A) On the day of an election, each election board shall open the polls for voting at eight o'clock in the morning, shall close the polls for voting at eight o'clock in the evening, and shall keep the polls open during the time between these hours. The election board members shall report to the polling place at 7:30 in the morning of an election day.
- (B) Fifteen minutes before the closing of the polls, a judge or clerk shall announce to all persons present the time remaining before the polls close. When the polls are closed, no

ballots shall be given out except to qualified voters present at the polls and waiting to vote when the polls are announced closed.

3.06.02 Distribution of Ballots.

(A) The city clerk shall deliver the ballots to the election board before the polls are opened on election day. The ballots shall be delivered in separate sealed packages, with the number of ballots enclosed in each package clearly marked on the outside. A receipt for each package shall be taken from the election board to which it is delivered and saved by the clerk. No ballots shall be taken from the polling place before the closing of the polls.

(B) The clerk shall keep the following records:

- (1) The number of ballots delivered to the various polling places;
- (2) The name of the persons to whom the ballots are delivered; and
- (3) The time the ballots are delivered.

(C) When the ballots are returned, the clerk shall record the following:

- (1) The number of ballots returned;
- (2) The time when the ballots are returned;
- (3) The name of the person returning the ballots; and
- (4) The condition of the ballots.

3.06.03 Preparation of Ballot Box.

Before receiving any ballots the election board must, in the presence of all persons present at the polling place, open and exhibit the ballot box to be used at the polling place. After showing the box, the box shall be sealed and not opened again until the polls are finally closed. At the close of the polls and after deposit into the ballot box of all ballots properly voted upon, the ballot box shall be personally opened by the election judges.

3.06.04 Voting Procedure.

(A) A voter shall give the judges and clerk his name, and write his name and residence on the first available line of the registration book. If any judge or clerk present believes the voter is not identified, he immediately shall challenge the voter.

(B) If the voter is not challenged, he shall be given one ballot and shall retire alone to the voting booth. There the voter without delay shall prepare his ballot by marking the boxes opposite the names of candidates of his choice, whether printed on the ballot or written in by him on the blank lines provided for the purpose. The voter also marks the boxes for questions and propositions. Before leaving the voting booth, the voter shall fold his ballot in a manner displaying the number on the ballot and deliver it to one of the judges or

clerks, who shall tear the number off and deposit the ballot in the ballot box if the ballot bears the same number as the ballot given to the voter by the judges and clerks.

- (C) A voter, who by accident or mistake spoils his ballot shall, upon returning the spoiled ballot to the judges and clerks, be given another ballot. A voter who is blind or otherwise incapable of marking his ballot shall be assisted in doing so by a judge or clerk if he requests such assistance.

3.06.05 Marking of Ballots by Voters.

- (A) A voter may mark his ballot only by the use of crossmarks, "X" marks, checks, or plus signs that are clearly spaced in the square opposite the name of the candidate the voter desires to designate.
- (B) A failure to properly mark a ballot as to one or more candidates does not itself invalidate the entire ballot.
- (C) If a voter makes fewer names than there are persons to be elected to the office, a vote shall be counted for each candidate properly marked.
- (D) If a voter marks more names than there are persons to be elected to the office, the votes for candidates for that office shall not be counted.
- (E) The mark shall be counted only if it is mostly inside the square provided, or touching the square so as to indicate clearly that the voter intended the particular square to be designated.
- (F) Improper marks on the ballot shall not be counted and shall not invalidate marks for candidates made properly.
- (G) An erasure or correction invalidates only that section of the ballot in which it appears.
- (H) Write-in votes are not invalidated by writing the name of a candidate whose name is printed on the ballot unless the election board determines, on the basis of other evidence, that the ballot was marked for the purpose of identifying the ballot.
- (I) Write-in votes are not invalidated if the voter fails to mark the square provided if in the opinion of the judges the voter intends to vote for the person whose name was written in as a write-in vote.

3.06.06 Challenging Voters.

An election judge and or election clerk shall challenge, or other qualified voter in the city may challenge, a person attempting to vote if the challenger has good reason to believe that the challenged person is not qualified to vote. All challenges shall be made in writing explaining the reason for the challenge. Before voting, a challenged person shall take an oath and sign an affidavit provided by the city clerk attesting to the fact that he meets all the qualifications of a voter, that he is not disqualified, and that he has not already voted at the same election. He shall also state the place from which he came immediately before living in the city and the length of time of his residence in the former place. After the challenged person has taken the

oath and signed the affidavit, the person may vote. If the challenged person refuses to take the oath or sign the affidavit, the person may not vote.

3.06.07 Questioning a Voter's Ballot.

If his registration is in question, a voter shall be allowed to vote and any election official shall consider the ballot a questioned ballot.

3.06.08 Challenged Ballots – Disposition.

After a challenged or questioned voter has cast his ballot, the challenged voter shall insert the ballot into a small blank envelope and seal it. This envelope shall be placed in the signed oath and affidavit envelope. The envelope shall be delivered to the city clerk. The city clerk shall present the materials to the canvass committee and assist the canvass committee in determining the validity of the challenge.

3.06.09 Ballots – Counting and Tallying.

(A) Immediately after the polls close and the last vote has been cast, the election judges shall open the boxes containing the ballots. The ballots shall be counted to determine whether the total number of ballots is equal to the total number of persons who voted as indicated in the original registry. If the number of ballots drawn from the ballot box does not match the number of ballots indicated by the registration book, the ballots shall be recounted until the election board finds that there is an unexplained error or that the number of ballots cast matches the number of ballots indicated by the registration tally. If a discrepancy is determined to exist between the number of votes cast and the registration tally, it shall be explained in detail on the tally paper or papers, and the explanation shall be signed by the election judges.

(B) The counting of ballots shall be public. The opening of the ballot box at the close of the polls shall be done in full view of any persons present. The public may not be excluded from the area in which the ballots are counted. However, the chairman of the election board shall not permit anyone present to interfere in any way or to distract the appointed officials from their duties, and no other than appointed election officials may handle the ballots. The judges shall remove the ballots from the ballot box one by one, and tally the number of votes for each candidate and for or against each issue. The ballots shall be inspected for disqualifying marks or defects. The election judges shall cause the vote tally to be continued without adjournment until the count is complete.

3.06.10 Defective and unused ballots.

If a voter shall mark more names than there are persons to be elected to any office, or if for any reason it is impossible to determine from his ballot any voter's choice for any office to be filled, the ballot shall not be counted as to that office or issue. A failure to properly mark a ballot as to one or more candidates or issues shall not invalidate the entire ballot. No ballot shall be rejected if the election board can determine the person for whom the voter intended to vote and the office intended to be chosen by the voter. Ballots not counted shall be marked "Defective" on the back, and ballots to which objection has been made shall be marked "Objected To" on the back. An explanation of the defect or objection shall be written on the back of the ballot and signed by the chairman. All such ballots shall be enclosed in an envelope

marked on the outside with the label “Defective and Objected Ballots.” All ballots not voted on and all ballots spoiled by voters shall be returned by the judges to the city clerk, who shall give a receipt for them and keep a record of the number and condition of ballots returned to him, indicating when and by which judge each was returned.

3.06.11 Election Certificate.

After the votes are announced and counted, a certificate shall be drawn stating the number of votes each person has received, and designating the office for which he has run. The poll lists and tallies shall be attached to the certificate. The certificate shall be signed by the election judges. The registration index, original register, tallies or tally papers, oath of judges, oaths of voters, other papers, and the certificate shall be placed in an envelope. The envelope shall be marked “election returns” and delivered to the city clerk.

3.06.12 Majority Decisions of Election Board.

The decision of the majority of judges determines the action that the election board shall take regarding any question which arises during the course of the election.

3.06.13 Prohibitions Near Election Polls.

During the hours the polls are open, no person who is in the polling place or within 100 feet of any entrance to the polling place may attempt to persuade a person to vote for or against a candidate, proposition, or question.

3.07 CANVASSING OF ELECTION RETURNS

3.07.01 Canvass Committee – Meeting – Postponing Canvass.

The canvass committee shall meet on the first Friday after the election and canvass all absentee and challenged ballots executed in the election. The canvass may be postponed from day to day for cause but not exceeding three days in total.

3.07.02 Canvass to be Made Public.

- (A) The canvass of all absentee, challenged, and questioned ballots shall be made in public by opening the returns and announcing the results thereof in front of those present.
- (B) Absentee ballots shall be counted by the city clerk and two or more assistance in the following manner: All ballot envelopes shall be removed from return envelopes, and placed in a ballot box. The return envelopes shall be delivered to the city clerk. The absentee ballots shall one by one be removed from the ballot box, taken out of the ballot envelopes and counted, in the same manner in which ballots cast at the polls were counted.
- (C) The canvass shall include a review and comparison of the tallies of paper ballots with the election certificates to correct any mathematical error in the count of paper ballots.
- (D) If the city clerk finds an unexplained error in the tally of paper ballots, he may count the ballots from the ballot box.

3.07.03 Investigation of Challenged Ballots.

The canvass committee may request the assistance of the city clerk or the mayor to investigate the challenges made. Any city elector may appear to give testimony concerning the challenged ballots. The canvass committee shall deliver the challenged ballots to the council and submit a report of their finding. The council may accept or reject a challenge. If a challenge is upheld, the ballot challenged shall not be opened and counted, but shall be saved as are other ballots. If a challenged is rejected, the ballot shall be counted with the absentee ballots. The city clerk shall notify a voter whose ballot is not counted that the challenge against him was upheld.

3.07.04 Challenged Ballots – Subpoenas.

The council may order testimony of witnesses and issue subpoenas while investigating challenged ballots. The subpoenas may be enforced by the court upon certification as provided by the state civil procedure concerning the enforcement of administrative and state agency subpoenas.

3.07.05 Canvass Committee – Report – Contents.

The canvass committee shall submit a report of its findings to the council before noon of the Monday following the election. The report shall show:

- (A) The number of ballots cast in the election;
- (B) The names of the persons voted for and the propositions voted upon;
- (C) The offices voted for;
- (D) The number of votes cast for each candidate and the number of votes cast for or against each proposition voted on at the election;
- (E) A proposed disposition of all challenges, absentee, write-in, questioned, and voided ballots;
- (F) Other matters which the canvass committee may determine necessary.

3.07.06 Results of the Election – Public Declaration.

- (A) If a contest is not begun under the provisions of Section 3.09.01 through 3.09.07, the result of the election shall be publically declared by the council and entered in the minutes of a special meeting of the council on the first Monday following the election.
- (B) If a contest is declared and resolved, the result of the election shall be publically declared by the council and entered in the minutes of a special meeting of the council within a week after the contest is resolved.

3.07.07 Certificate of Election.

The city council shall authorize the city clerk to make and deliver the certificate of election to every person elected. The certificate of election shall be signed by the mayor and clerk. It shall display the corporate seal of the city.

3.08 ABSENTEE VOTING

3.08.01 Absentee Voting – Eligible Persons.

Any qualified voter, who expects to be absent from the city or who may be unable to vote by reason of physical disability on the day of the election, may cast an absentee ballot.

3.08.02 Absentee Ballots – Application – Filing.

- (A) A person who seeks to vote by absentee ballot may file either in person or by mailing his written application to the city clerk.
- (B) An application made by mail must be received by the city clerk not more than thirty (30) days, nor less than fifteen (15) days before a city election. An application made in person must be filed with the city clerk not more than fifteen (15) days before the city election, and no later than noon on the day before the city election.
- (C) The application must be signed by the applicant and show his place of residence.
- (D) Nothing in this section is intended to limit the city clerk in personally delivering a ballot to a person who, because of physical incapacity, is unable to make application in person at the city clerk's office for an absentee voter's ballot.

3.08.03 Absentee Ballots – Delivery.

Upon receipt of an application for an absentee voter's ballot, the city clerk shall check the latest state registration listing to determine whether the applicant is registered in accordance with Alaska Statutes Chapter 15.07. If the application is properly registered, the clerk shall deliver to the applicant, personally or by mailing, to the address given by the applicant, an official ballot for the election, an identification envelope, and a return envelope. If the absentee voter's ballot is personally delivered, it shall be completed before the clerk at the time of delivery. No absent voter's ballot shall be mailed to a voter who resides within the city's boundaries.

3.08.04 Notation of Ballot Number and Date of Application.

Upon personal delivery or the mailing of absent voter's ballot, the clerk shall enter on the space provided in the voter registration index the number of the ballot and the date the ballot was delivered or mailed. Before the election the clerk shall send the election judges a list of voters who have voted absentee.

3.08.05 Completion and Return of Absentee Ballots.

The identification envelop and return envelope provided to the voter shall be of a form, size, and weight as determined by the city clerk. The identification envelope shall have printed on its face an affidavit as follows:

State of Alaska)
) SS:
)

I _____ state that: I am a resident of and a voter in the city of Kupreanof, Alaska, and I hereby enclose my ballot.

VOTER _____

(SEAL)

Residence address within the city

SUBSCRIBED AND SWORN before me, this ____ day of _____, 20____, at _____m (note time zone). I hereby certify that in my presence this affidavit enclosed a ballot and handed me this envelope sealed; that he signed this affidavit and I acknowledged his signature and affidavit, all in accordance with the law.

Official's Signature

(Seal)

Title of Officer

NOTICE: After receiving the sealed envelope from the person taking your affidavit when voting outside the office of the city clerk of the City of Kupreanof, you must immediately return it by mail, postage prepaid, to the City Clerk, P.O. Box _____.

MARKED BALLOT ENCLOSED TO BE OPENED ONLY BY CANVASSING COMMITTEE

3.08.06 Absentee Voting at Clerk's Office – Surrender of Absentee Voter's Ballot.

A voter who receives an absentee voter's ballot may, on any day prior to the day of the election, appear at the office of the city clerk and excuse his ballot in the following manner:

- (A) The voter shall first display the ballot to the clerk to show that the ballot has not been previously marked. He then shall proceed to mark the ballot in the voting booth at the clerk's office. The voter shall place the ballot in the envelope provided to him in a manner that permits the clerk to see the number of the ballot. The voter shall then hand the envelope to the clerk who shall examine it. If the clerk determines that the ballot is numbered correctly, he shall tear the printed number off and permit the voter to enclose the ballot in the identification envelope.
- (B) The voter shall then make out and swear to the affidavit printed on the face of the envelope. He shall seal the envelope and deliver it to the clerk.
- (C) The clerk shall certify the affidavit printed on the identification envelope by writing or stamping his name across the seal. The clerk shall deposit the envelope in a safe place in his office, to be kept by him and delivered to the canvassing committee.

(D) If an absentee voter returns to the city on election day, he shall be allowed to vote by question ballot unless he surrenders the absentee voter's ballot and any other supplies mailed to him, in which case he will vote by regular ballot.

3.08.07 Absentee Ballots – Executing Outside City.

After receiving an absentee voter's ballot, the voter may appear on any day prior to and including the day of the election before a notary public, clerk, or officer of any city, state, territory or district within the United States. Before the officer he may complete his ballot as set out in Section 6 of this chapter.

3.08.08 Absentee Ballots – Receipt.

To be counted an absentee voter's ballot must be executed before the polls close in the city and received by the clerk prior to the time the ballots are canvassed by the canvassing committee.

3.08.09 Absentee Ballots – Voting Supplies.

All supplies necessary for the voter to cast and return his ballot shall be furnished by the clerk. No city official may make any charge for services rendered to any voter under the provisions of this chapter.

3.08.10 Liberal Construction.

This chapter shall be liberally interpreted, so as to accomplish the purposes set forth.

3.09 CONTEST OF ELECTION

3.09.01 Contest of Election

(A) Any candidate or any ten qualified voters may contest the election of any person and the approval or rejection of any question or proposition.

(B) A candidate or elector who believes that prohibited practices occurred at an election shall appear before the council at the special council meeting held on the first Monday following the election. He shall deliver a sworn written notice of contest, which shall state with particularity the provisions of the law which he believes were violated and the specific acts he believes to be misconduct. A notice shall read:

“NOTICE OF ELECTION CONTEST”

The undersigned believes that prohibited practices occurred at the election held on _____.

The undersigned states that the following laws were violated: _____

The undersigned states that the above provisions of the law were violated in the following manner: _____

Signature of Person Contesting

SUBSCRIBED AND SWORN to before me, this _____ day of _____, 20____.

Notary Public in and for Alaska
My Commission Expires:_____

3.09.02 Recount Expenses – Appeal.

- (A) The contestant shall pay all costs and expenses incurred in a recount of an election demand by the contestant if the recount fails to reverse any result of the election or the difference between the winning and losing vote if the result contested is more than two percent.
- (B) No person may appeal or seek judicial review of a city election for any cause or reason unless the person is a qualified voter in the city, has exhausted his administrative remedies before the city council and has commenced, within ten days after the council has finally declared the election results, an action in the superior court in the city’s judicial district. If no such action is commenced within the ten days prior, the election and election results shall be conclusive, final, and valid in all respects.

3.09.03 Contest of Election – Investigation.

The city council shall order an investigation to be made by the city clerk and/or the mayor, if a notice of contest is received. Investigation proceedings shall be public.

3.09.04 Ballot Recount.

If only a recount of ballots is demanded, the election board where the error allegedly occurred shall recount the ballots.

3.09.05 Prohibited Practices Alleged.

When the contestant alleges prohibited practices the council shall direct the city clerk to produce the original register books for the election.

3.09.06 Sustained Charges – Recount.

If the charges alleged by the contestant are upheld, the canvassing committee shall make a recount and report immediately to the council. The council shall then certify the correct election returns as provide in Section 3.07.07.

3.09.07 Determination of Tie Votes.

If after a recount and appeal two or more candidates tie in having the highest number of votes for the same office, the mayor shall notify the candidates who are tied. The mayor shall notify the candidates of a reasonable suitable time and place to determine the successful candidate by lot. After the determination has been made by lot, the mayor shall so certify.

3.10 RESERVED

3.11 RESERVED

3.12 RESERVED

Title 4

REVENUE AND FINANCE: Table of Contents

Chapter 1 Fiscal Policies

- Section.01 Budget and construction program
- .02 City obligations
- .03 Fiscal year
- .04 Funds designated
- .05 Audit of city government accounts

Chapter 2 Assets and Disbursements

- Section.01 Treasurer
- .02 Accounting
- .03 Checks
- .04 Insufficient funds in bank account

Chapter 3 Budget Form and Scope

- Section.01 Scope of budget
- .02 Anticipated revenues
- .03 Anticipated revenues compared with other years
- .04 Proposed expenditures
- .05 Proposed expenditures compared with other years
- .06 Budget summary

Chapter 4 Budget Procedures

- Section.01 Budget public record
- .02 Publication of notice of public hearing
- .03 Public hearing on budget
- .04 Further consideration of budget
- .05 Adoption of budget – vote required
- .06 Effective date of budget – certification – copies made available

Chapter 5 Purchasing

- Section.01 Purchasing agent
- .02 Purchasing agent – scope of authority

Chapter 6 Reserved

Chapter 7 Reserved

Chapter 8 Reserved

Title 4

REVENUE AND FINANCE

4.01 FISCAL POLICIES

4.01.01 Budget and Construction Program.

- (A) The mayor shall arrange for the preparation of budget and construction program. The budget and construction spending proposals shall be submitted as an ordinance.
- (B) After public hearing, the council may approve budgets with or without amendments and shall appropriate the funds required.

4.01.02 City Obligations.

- (A) A bond, contract, lease, or other obligation requiring the payment of funds from the appropriation of a later fiscal year or of more than one fiscal year shall be made by ordinance and approved by voters.
- (B) The council may make supplemental and emergency appropriations. No payment may be authorized or made and no obligation incurred unless an appropriation has been made by ordinance.
- (C) The council may authorize contracts for construction improvements to be financed wholly or partly by the issuance of bonds.

4.01.03 Fiscal Year.

The fiscal year of the City of Kupreanof shall begin on the first day of July and end on the last day of June in the following calendar year.

4.01.04 Funds Designated.

Funds designated for the city:

- (A) General fund;
- (B) Federal Revenue Sharing Fund;
- (C) Construction Project Fund;
- (D) Debt Retirement Fund; and
- (E) Other funds may be created as needed by resolution.

4.01.05 Audit of City Government Accounts.

Prior to the end of each fiscal year the council shall designate a qualified individual who, as of the end of the fiscal year, shall make an independent audit or financial statement.

4.02 ASSETS – DISBURSEMENTS

4.02.01 Treasurer.

- (A) The treasurer shall be responsible for the collection, custody, and disbursement of all moneys for water source.
- (B) Operating cash shall be kept in one financial institution to be designated by resolution.
- (C) The treasurer shall invest city money upon directive of the council in any of the following types of investment accounts:
 - (1) Bonds, notes, or other obligations; and
 - (2) Certificates of deposit or savings accounts of any bank.

4.02.02 Accounting.

- (A) All accounting functions for all city departments and offices are the responsibility of the treasurer.
- (B) The treasurer shall provide on a monthly basis to the council the following statements:
 - (1) Summary statement – banks – investment funds – disbursements;
 - (2) Reconciliation statements – banks – investment funds;
 - (3) Statement of expenditures compared with appropriations.

4.02.03 Checks.

All checks drawn on the treasury of the city shall be signed by the treasurer and mayor. In the event of the absence of the treasurer or the mayor, a designated council person's signature shall be required. All checks prior to issuance shall be approved to be within budget allowances by the council.

4.02.04 Insufficient Funds in Bank Account.

No city check may be written at any time when funds are insufficient. Willful violation of this provision and conviction shall result in a fine of not more than five-hundred (\$500) dollars.

4.03 BUDGET FORM AND SCOPE

4.03.01 Scope of Budget.

- (A) The budget shall be a complete financial plan for all the operations of the municipality, showing dollar reserves, anticipated revenues, and proposed expenditures.
- (B) The budget shall include a comparative statement of actual expenditures and actual revenues for the preceding fiscal year and the budgeted current fiscal year.
- (C) Proposed expenditures shall not exceed total anticipated revenues and reserves.

4.03.02 Anticipated Revenues.

Anticipated revenues shall be composed of “taxes”, “licenses and permits”, “intergovernmental revenue”, “charges for services”, “fines and forfeits”, “miscellaneous revenue”, and “cash reserves”.

4.03.03 Anticipated Revenues Compared With Other Years.

In the anticipated column opposite the items of anticipated revenues there shall be placed the amount of each such item actually received in the preceding fiscal year.

4.03.04 Proposed Expenditures.

Proposed expenditures shall be itemized. Separate provisions shall be included in the budget or at least:

- (A) Interest, amortization of principal, and redemption charges on the public debt for which the faith and credit of the municipality is pledged;
- (B) Administration, operation, and maintenance of each office, department, or agency of the municipality;
- (C) Council’s budgetary reserve; and
- (D) Expenditures proposed for construction projects including provisions for down payments on capital projects.

4.03.05 Proposed Expenditures Compared With Other Years.

In a parallel column opposite the several items of proposed expenditures, there shall be placed the amount of each such item actually spent in the preceding fiscal year and the budget for the current fiscal year.

4.03.06 Budget Summary.

At the head of the budget there shall appear a summary of the budget, which need not be itemized. Principal sources of anticipated revenues, and kinds of expenditures by department, shall be stated in such a manner as to present to the taxpayers a simple and clear summary of the detailed estimates of the budget.

4.04 BUDGET PROCEDURES

4.04.01 Budget Public Record.

The budget, the budget message, the construction improvements program, and all supporting schedules shall be a public record in the office of the clerk, open to public inspection by anyone. The mayor shall cause to be prepared for distribution to interested persons copies of the budget and budget message.

4.04.02 Publication of Notice of Public Hearing.

The council shall determine the place and time of the public hearing on the budget, and shall post such notice in three places in the city. The council shall include in the notice a summary of the budget and capital improvement program and a statement setting out the time and place for a public hearing. This notice shall be posted at least two weeks prior to the hearing.

4.04.03 Public Hearing on Budget.

At the time and place so advertised, the council shall hold a public hearing on the budget as submitted, at which all interested persons shall be given an opportunity to be heard, for or against the estimates or any item thereof.

4.04.04 Further Consideration of Budget.

After the conclusion of such public hearing, the council may insert new items or may increase or decrease the items of the budget, except items in proposed expenditures fixed by law. The council may not vary the titles, descriptions, or conditions of administration specified in the budget.

4.04.05 Adoption of Budget – Vote Required.

The budget shall be adopted by favorable votes of at least a majority of all the members of the council preferably by May first and no later than May thirty-first.

4.04.06 Effective Date of Budget – Certification – Copies Made Available.

Upon adoption of the budget, the budget shall be in effect for the fiscal year. A copy of the budget as finally adopted shall be certified by the mayor (city manager) and the clerk and filed in the office of the clerk. The budget so certified shall be printed and reproduced, and sufficient copies shall be made available for the use of all officers, departments, and agencies and for the interested persons and civic organizations through the clerk's office.

4.05 PURCHASING

4.05.01 Purchasing Agent.

(A) There shall be a purchasing agent of the city to make all purchases of supplies, materials, equipment, and contractual services for the offices, departments, and agencies of the city government.

(B) The mayor or his designee shall be the city purchasing agent.

4.05.02 Purchasing Agent – Scope of Authority.

(A) The purchasing agent shall have the power and it shall be his duty to purchase or contract for supplies and contractual services needed by any using agency of the city and sell surplus personal property of such using agencies, in accordance with the ordinances of the city and such rules and regulations as shall be prescribed by the mayor and approved by the city council.

(B) The purchasing agent shall have the authority to join with other units of government to coordinate purchasing ventures when the best interest of the city would be served.

4.06 RESERVED

4.07 RESERVED

4.08 RESERVED

Title 5

City Personnel: Table of Contents

Chapter	1	Hiring Policies
	Section.01	Merit system
	.02	Promotion
	.03	No discrimination
	.04	Minimum age
	.05	Municipal residents
	.06	Nepotism

Chapter 2 Reserved

Chapter 3 Reserved

Chapter 4 Reserved

Chapter 5 Reserved

Chapter 6 Reserved

Chapter 7 Reserved

Title 5

CITY PERSONNEL

5.01 HIRING POLICIES

5.01.01 Merit System.

Hiring and grading of city employees shall be made on the basis of merit and fitness.

5.01.02 Promotion.

When well qualified individuals are available, appointments to fill vacancies shall be by promotion from within the municipal services.

5.01.03 No Discrimination.

There shall be no discrimination in the employment procedure, including appointment, promotion, demotion, suspension, or removal for racial, political, national origin, religious, or other non-merit reasons. Alaska Statutes Title 18.80 applies.

5.01.04 Minimum Age.

Minimum age for municipal employment shall be in accordance with Alaska state law.

5.01.05 Municipal Residents.

Other qualifications being equal, preference in employment or promotion shall be given to residents of the city area.

5.01.06 Nepotism.

No persons may be employed in a position supervised by a family member. If an employee and his supervisor should marry, they shall elect which employee may continue with the department and which employee shall terminate or transfer. "Family member" means spouse, father, mother, brother, sister, or child. The council may, by resolution, provide an exception on a case-by-case basis.

5.02 RESERVED

5.03 RESERVED

5.04 RESERVED

5.05 RESERVED

5.06 RESERVED

Title 6

Acquisition and Disposal of City Property: Table of Contents

Chapter 1 Real Property Acquisition

- Section.01 Acquisition and ownership – authority
- .02 Real property defined
- .03 Acquisition – form
- .04 Acquisition and ownership – rights and powers
- .05 Acquisition – dedication by plat
- .06 Industrial sites
- .07 Federal and state aid
- .08 Real property as security.

Chapter 2 Eminent Domain – Adverse Possession

- Section.01 Eminent domain
- .02 Adverse possession

Chapter 3 Real Property Sales by the City

- Section.01 Power to dispose of real property
- .02 Sale or disposal – form
- .03 Sale or disposal – rights and powers
- .04 Property exchanges
- .05 Public sale – required when
- .06 Public sale procedures
- .07 Minimum acceptable offer
- .08 Condition of sale

Chapter 4 Lease of City Lands

- Section.01 Property available for leasing
- .02 Term of lease
- .03 Lease procedures
- .04 Fair rental value
- .05 Adjustment of rental
- .06 Transfer of lessee’s interest
- .07 Improvements and chattels
- .08 Inspection of leased premises
- .09 Easements and right-of-way
- .10 Condemnation of premises – lease termination

Chapter 5 Disposition of City-Owned Personal Property

- Section.01 Disposal of personal property under five-hundred dollars
- .02 When competitive bidding is not required for sale or surplus of obsolete goods
- .03 Surplus stock

.04 Declaration of obsolescence

Chapter 6 Kupreanof Dock

- Section .01 Policy Purpose
- .02 Vessel moorage
- .03 Derelict Vessels
- .04 Moorage Fees and Rates
- .05 Storage on Dock

Chapter 7 Reserved

Title 6

ACQUISITION AND DISPOSAL OF CITY PROPERTY

6.01 REAL PROPERTY ACQUISITION

6.01.01 Acquisition and Ownership – Authority.

The city may acquire, own, and hold real property within or outside the city boundaries by any lawful means or conveyance.

6.01.02 Real Property Defined.

As used in this chapter, “real property” includes any estate in land, easement, right-of-way, lease, permit, license, franchise, future interest, building, fixture, or any other right, title, or interest in land or a building.

6.01.03 Acquisition – Form.

- (A) The city may acquire, own, and hold real property by warranty or quitclaim deed, easement, grant, permit, license deed of trust, mortgage, contract of sale of real property, plat dedication, lease, tax deed, will, or any other lawful method or mode of conveyance or grant. Real property shall be held in the name of “The City of Kupreanof”. Any instrument requiring execution by the city shall be signed by the mayor and attested by the city clerk. The form of any conveyance may be approved by the city attorney.
- (B) Only upon a specific resolution of the council, the mayor may act on its behalf in the acquisition of real property or interest in real property when that property to be acquired is for a valuable consideration.
- (C) Prior to approval, the mayor is to furnish the council with an abstract of title, an appraisal of the real property, and a review of any problems in acquisition, but the failure to furnish the council any such material shall not affect the validity of any acquisition or purchase of real property by the city.
- (D) Unless otherwise provided by council, the city shall purchase marketable title in the real property. Unless otherwise provided by ordinance or resolution, or upon council approval of a purchase, the mayor is authorized to obtain title insurance, to execute any instruments and to take all steps necessary to complete and close the purchase and acquisition of the real property.

6.01.04 Acquisition and Ownership – Rights and Powers.

The city shall have and may exercise all rights and powers in the acquisition, ownership and holding of real property as if the city were a private person.

6.01.05 Acquisition – Dedication by Plat.

The city may not acquire any real property by means of a dedication by plat unless the dedication of the real property is accepted in writing and signed by the mayor.

6.01.06 Industrial Sites.

The city may acquire, own, and hold real property, either inside or outside the city boundaries, for sites available for new industries which will benefit the city.

6.01.07 Federal and State Aid.

The city may apply for, contract, and do all things necessary to cooperate with the United States Government and the State of Alaska for the acquisition, holding, improvement, or development of real property within and outside the city boundaries.

6.01.08 Real Property as Security.

The council may pledge, mortgage, or otherwise secure city real property for the payment of city bonded or other indebtedness when required, as authorized by law.

6.02 EMINENT DOMAIN – ADVERSE POSSESSION

6.02.01 Eminent Domain.

The city may exercise the powers of eminent domain and declaration of taking in the performance of an authorized power or function of the municipality, in accordance with AS 09.55.240-460. Before exercising the power, the council shall request or petition the Department of Community and Regional Affairs for permission to exercise the power. The council may not exercise the power of eminent domain or declaration of taking without the formal approval of the Department of Community and Regional Affairs. The exercise of the power of eminent domain or declaration of taking shall be by ordinance which shall be submitted to the qualified voters at the next regularly scheduled general election or special election called for that purpose. A majority of the qualified voters voting on the question is required for approval of the ordinance.

6.02.02 Adverse Possession.

The city cannot be divested of title to real property by adverse possession.

6.03 REAL PROPERTY SALES BY THE CITY

6.03.01 Power to Dispose of Real Property.

The city may sell, convey, exchange, transfer, donate, dedicate, direct, or assign to use, or otherwise dispose of city owned real property by any lawful means or conveyances.

6.03.02 Sale or Disposal – Form.

The city may sell or dispose of real property by any lawful means. An instrument requiring execution by the city shall be signed by the mayor and attested by the city clerk.

6.03.03 Sale or Disposal – Rights and Powers.

The city shall have and may exercise all rights and powers in the sale and disposal of real property as if the city were a private person. The city may sell or dispose of any real property, including acquired or held for or devoted to a public use, when in the judgment of the city council it is no longer required for city purposes.

6.03.04 Property Exchanges.

The council may approve after public notice the conveyance and exchange of a parcel of city property for an equivalent parcel of property owned by another person subject to such conditions as council may impose on the exchange, whenever in the judgment of the city council it is advantageous to the city to make the property exchange.

6.03.05 Public Sale – Required When.

Unless otherwise provided in this chapter, real property no longer used or useful for a public use or purpose shall be sold to the highest responsible bidder at a public sale. Public sale shall not be required when the real property of the city is subject to any terms or conditions restricting or limiting the ability of the city to obtain the fair market value of the property.

6.03.06 Public Sale Procedures.

Real property of the city, except as provided otherwise in this chapter, and except land acquired by tax foreclosure, shall be sold or otherwise permanently disposed of as follows:

- (A) Appraisal: An estimated value of the property by a qualified appraiser or the assessor shall be made.
- (B) Land valued at under twenty-five thousand dollars shall be disposed of as follows:
 - (1) The mayor may, if in his opinion it is in the best interest of the city to do so, recommend to the council that such parcels of land be sold. Such recommendation shall set out the development of the property, if the mayor determines such a plan to be necessary, the estimated value of the property as made by a qualified appraiser and the recommended terms and conditions of sale.
 - (2) After receipt of the recommendations, the council may, by resolution, direct the sale or lease of such lands under such terms and conditions as it requires.
 - (3) Notice of disposition and the manner in which the land is to be disposed of shall be published in a newspaper of general circulation within the city once each week for two successive weeks not less than thirty days prior to the date of disposal.
 - (4) Notice also shall be posted in at least three public places within the city for at least thirty days prior to disposal.
 - (5) Notice may also be given by other means considered reasonable by the mayor or council.

(6) The notice must contain a brief description of the land, its area and general location, proposed use, term, computed annual minimum rental or minimum offer, limitations if any, and time and place set for the auction or bid opening if applicable.

(7) The procedure for disposal shall be in a manner provided by ordinance.

(C) Sale or other permanent disposition of land valued at twenty-five thousand dollars or more shall be in the manner prescribed in subsection (B) of this section except that:

(1) Council action under subsection (B)(7) shall be by ordinance, and shall be valid unless ratified by a majority of the qualified voters voting at a regular or special election at which the question of the ratification of the ordinance is submitted. A notice stating the time of the election and the place of voting, describing the property to be sold, leased, or disposed of, giving a brief statement of the terms and conditions of the sale and the consideration, shall be given by posting a copy of it in at least three public places in the city at least thirty days before the election.

6.03.07 Minimum Acceptable Offer.

If there are no acceptable offers, the mayor may negotiate for the sale or lease of land, but the council must, by ordinance, approve the terms and price of any such negotiated sale or lease before such sale or lease shall be binding upon the city.

6.03.08 Conditions of Sale.

The council in the ordinance authorizing the sale of real property shall set forth the terms and conditions of the public sale. The council may reserve the right to reject any and all bids received at the public sale, if the highest bid is below the fair market value and cost of sale or is not made by a reasonable bidder. The ordinance shall provide if the sale is for cash, or cash deposit and purchase agreement. The city council shall approve all public sales of real property, and shall approve any purchase agreement prior to its execution by the city. The approval of any public sale by the council authorizes the mayor to take all steps and execute all instruments to complete and close the sale. The mayor or his designee shall conduct the sale and shall give the buyer a receipt for all moneys received by the city. A purchaser at a public sale who fails to make such other cash payments within the time required by the ordinance shall forfeit any cash deposit paid to the city.

6.04 LEASE OF CITY LANDS

6.04.01 Property Available for Leasing.

All property, including tide, submerged, or shore lands, which the city owns, or in which the city has right, title, and interest, or to which the city may become entitled, may be leased as provided in this chapter. The term "property" as used in this chapter includes any and all interest in real property.

6.04.02 Term of Lease.

No lease shall be for a term of more than twenty-one years unless the council shall determine from the purpose, use of the premises, and nature of improvements which may be placed thereon that a longer term would benefit the city and would be consistent with city planning. A lease having a term of greater than five years shall first be approved by the city council. Any renewal period or option to renew the lease period shall be included in the term of the lease in computing the five year period of time.

6.04.03 Lease Procedure.

The provisions Section 6.03.06 on the method of disposition of city owned property apply to all leases of city land authorized by this chapter. The council may lease property to a party if it determines the lease to be in the best interest of the public.

6.04.04 Fair Rental Value.

Property shall be leased for a fair rental value. Fair rental value means the highest price described in terms of money for which the property would rent, if exposed for rent for a reasonable time in the open market, for the use permitted by the city.

6.04.05 Adjustment of Rental.

A lease having a term for more than two years shall provide for adjustment of rentals at specified intervals during the term of lease, and the intervals shall be every two years. This section may or may not be incorporated in each lease by reference and is enforceable as if fully stated in the lease.

6.04.06 Transfer of Lessee's Interest.

A lessee may sublease or assign the lease only upon approval of the transfer by the city in writing.

6.04.07 Improvements and Chattels.

The lease shall provide the terms, conditions, and limitations of the removal or reversion of improvements or chattels upon the lease premises after termination of the lease. The retiring lessee may, with the consent of the mayor, sell the improvements to the succeeding lessee. If the improvements or chattels are not removed within the time set forth in the lease, the improvements and chattels may, upon reasonable notice to the lessee, be sold at public sale to be provided by regulations of the mayor. The proceeds of such sale shall be deposited into the city general fund.

6.04.08 Inspection of Leased Premises.

The lessee shall allow an authorized representative of the city to enter the leased premises for inspection at any reasonable time.

6.04.09 Easements and Right-of-Way.

The city expressly reserves the right, without compensation or adjustment in rentals to the lessee, to grant surface, underground, or overhead utility easements or right-of-way in or upon the leased property.

6.04.10 Condemnation of Premises – Lease Termination.

Upon condemnation of the premises or any part thereof by the state, borough, or Federal government or agency thereof, including inverse condemnation, the lease shall terminate without any liability to the city. The city shall not be liable in damages or pay compensation to the lessee as a result of the condemnation terminating the lease.

6.05 DISPOSITION OF CITY-OWNED PERSONAL PROPERTY

6.05.01 Disposal of Personal Property Under Five-Hundred Dollars.

(A) Personal property, other than surplus stock, that is valued at less than five-hundred dollars may be disposed of upon such notice and terms considered reasonable by mayor, taking into consideration the value of the article, the reason for disposal, and the general preference of disposal by competitive bid. The mayor shall report disposals to the council if so requested.

(B) Personal property valued at more than five-hundred dollars, but less than twenty-five thousand dollars, shall be disposed of in the manner provided for land under twenty-five thousand dollars (Section 6.3.06(B)).

(C) Personal property valued at more than twenty-five thousand dollars shall be disposed of in the manner provided for land over twenty-five thousand dollars (Section 6.03.06(C)).

6.05.02 When Competitive Bidding is Not Required for Sale of Surplus or Obsolete Goods.

The mayor may sell the following without giving an opportunity for competitive bidding:

(A) Surplus or obsolete supplies, materials, or equipment whose total value does not exceed one thousand dollars in a single transaction;

(B) Supplies, materials, or equipment when sold at a price at least as great as that paid by the city for the same.

6.05.03 Surplus Stock.

(A) All using agencies shall submit to the mayor at such times and in such form as he shall prescribe, reports showing stocks of all supplies which are no longer used or which have become obsolete, worn out, or scrapped.

(B) Transfer: The mayor shall have the authority to transfer surplus stock to other using agencies and provide for proper fiscal transfers of such.

(C) Sale: The mayor with approval of council shall have the authority to sell all supplies or equipment which have become unsuitable for public use, or to exchange the same for, or trade in the same on any new supplies or equipment.

- (1) Competitive bidding: Sales of surplus city supplies or equipment appraised at over one-thousand dollars under this section shall be made to the highest reasonable bidder.
- (2) The mayor shall conduct the sale and issue the certificates of sale to the purchaser of surplus city supplies or equipment.

6.05.04 Declaration of Obsolescence.

No surplus or obsolete supplies, materials, or equipment of value of more than one-thousand dollars may be sold until the council shall have declared them obsolete or surplus.

6.06 KUPREANOF DOCK

6.06.01 Policy Purpose

The policy of this title is to maximize the safe and efficient use of the dock facilities. It is the policy of the city that any persons visiting or using the dock will do so at their own risk. The city does not assume responsibility for loss or damage to property or injury to persons within or upon the dock.

6.06.02 Vessel Moorage

Vessel moorage at the Kupreanof Dock shall be for active or operational motor vessels only. Vessels, when unattended, must be securely moored with adequate bow and stern lines. Moorage shall be limited to five consecutive days.

6.06.03 Derelict Vessels

It is the intent of this chapter to prevent the use of the facilities of the dock and harbor areas by vessels which have been abandoned by their owners to the point of becoming derelict vessels.

6.06.04 Moorage Fees and Rates

The city council may set fees for moorage and rates by resolution. The resolution may be periodically updated or enacted as may be required by mandates arising from harbors and waters authorities.

6.06.05 Storage on Dock

Storage of crab pots, nets, barrels or skiffs on dock is prohibited.

6.07 RESERVED

Title 7

PLANNING AND ZONING COMMISSION: Table of Contents

Chapter	1	General
	Section.01	Establishment of commission
	.02	Planning and zoning
	.03	Platting
Chapter	2	Planning Commission
	Section.01	Membership
	.02	Appointment
	.03	Term of office
	.04	Officials
	.05	Vacancies
	.06	Quorum
	.07	Meetings
	.08	Record of meetings
	.09	Rules of proceedings
	.10	Order of business
	.11	Office and staff
	.12	Formal acts by resolution
	.13	Funds
	.14	Compensation
Chapter	3	Planning Functions
	Section.01	Duties and functions
	.02	Comprehensive plan
Chapter	4	Land Use Planning
	Section.01	Zoning
	.02	Board of adjustments
	.03	Adjustment procedure
	.04	Judicial review
Chapter	5	Platting
	Section.01	Platting Functions
	.02	Procedure
	.03	Waiver in certain cases
	.04	Information required
	.05	Penalties
	.06	Alteration or replat petition
	.07	Notice of hearing

- .08 Hearing and determination
- .09 Recording
- .10 Title to vacated area

Chapter 6 Platting Procedures

- Section.01 Approval and recording of subdivisions
- .02 Plats to be acknowledged and contain certificate that taxes and assessments are paid
- .03 Dedication of trail, streets, alley right-of-way, and thoroughfares
- .04 Certified copy of plat is evidence
- .05 Recorded plats legalized
- .06 Missing plats

Chapter 7 Historic Preservation

- Section.01 Intent
- .02 Districts
- .03 Board Members
- .04 Duties
- .05 Requirements
- .06 Restrictions
- .07 Publication

Chapter 8 Reserved (Cemetery)

Chapter 9 Minimum Lot Size Regulations

- Section.01 Minimum lot sizes
- .02 Minimum beach frontage
- .03 Property without beach frontage
- .04 Meandering property lines
- .05 Subdivisions not meeting requirements

Title 7

PLANNING AND ZONING COMMISSION

7.01 GENERAL

7.01.01 Establishment of Commission.

There is hereby established the planning commission for the City of Kupreanof to perform the functions of planning, platting, and land use for the city.

7.01.02 Planning and Land Use.

It shall be the duty of the commission to hold public hearings when necessary and make recommendations to the City Council on matters concerning or relating to planning and land use, the enforcement of appropriate regulations and amendments to ordinances or other matters within the scope of the planning and land use power.

7.01.03 Platting.

The function of platting shall be performed from time to time by the commission, convened as the platting authority for the city, and completed upon it having approved or rejected proposed plats, replats, and vacations of public ways according to law.

7.02 PLANNING COMMISSION

7.02.01 Membership.

The voting members of the planning commission shall be five (5) citizens who are residents of the city. The mayor shall be an ex-officio member but may not vote, except to break a tie.

7.02.02 Appointment.

Members shall be appointed by the mayor and confirmed by the council. Appointments to fill vacancies shall be for the unexpired term only.

7.02.03 Term of Office.

Members shall be appointed for a term of three (3) years, except for those first appointed. Two (2) shall be appointed for three (3) years; two (2) for two (2) years, and one (1) for one (1) year. Such members first appointed shall draw lots for the foregoing terms.

7.02.04 Officials.

The commission shall designate a member as its presiding officer to conduct the affairs of the commission, a deputy presiding officer to serve in the absence of the presiding officer and a clerk. The clerk shall prepare the journal of the commission's proceedings.

7.02.05 Vacancies.

A vacancy shall be declared and filled as provided above when the member:

- (A) Fails to qualify and take his office within thirty (30) days after his confirmation by the council;
- (B) Departs from the city with the intent to remain away for a period of ninety (90) or more days or is physically absent from the area he was appointed to represent for a period of ninety (90) or more days, unless excused by the commission;
- (C) Submits his resignation and the resignation is accepted by the mayor;
- (D) Is physically or mentally unable to attend commission meetings for a period of more than ninety (90) days;
- (E) Misses three (3) or more consecutive regular meetings, unless excused by the commission;
or
- (F) Is convicted of a felony or of an offense involving a violation of his oath of office.

The clerk of the planning commission shall keep attendance records and notify the mayor when vacancies occur.

7.02.06 Quorum.

A majority of voting membership constitutes a quorum. Any act of the commission requires a majority affirmative vote of those voting members present, except as provided in 7.03.01(D).

7.02.07 Meetings.

Regular meetings shall be held on the chosen day of each month. Special meetings may be called by the presiding officer or shall be called by him at the request of three (3) members, including non-voting members.

7.02.08 Record of Meetings.

Meetings shall be public and minutes shall be kept. Minutes and records shall be filed with the clerk of the City of Kupreanof and retained as public records.

7.02.09 Rules of Proceedings.

Meetings shall be conducted under Robert's Rules of Order and such modified or amended rules as may be adopted by the commission.

7.02.10 Order of Business.

- (A) The order of business at regular meetings shall be:

- (1) Roll call;
- (2) Approval of minutes of previous meetings, as amended or corrected;
- (3) Reading and disposition of correspondence;
- (4) Unfinished business;
- (5) New business; and
- (6) Miscellaneous business.

(B) The order of business at special meetings shall be prescribed by the presiding officer.

7.02.11 Office and Staff.

- (A) The commission shall be provided office space suitable for its need and adequate to file its journals, resolutions, records, reference materials, correspondence, maps, plats and charts, all of which shall constitute public records of the city.
- (B) The commission shall be furnished secretarial assistance at each meeting to assist in preparing its minutes, journals, and resolutions, and as required to prepare its correspondence under the directions of the commission presiding officer and commission clerk.

7.02.12 Formal Acts by Resolution.

- (A) All formal acts of the commission shall be made by resolution bearing:
- (1) The heading “City of Kupreanof Planning Commission”;
 - (2) The space for the serial number to be assigned, “Resolution Serial No. _____”;
 - (3) A short and concise title descriptive of its subjective and purposes;
 - (4) Short premises and whereas clauses descriptive of the reasons for the resolution, if necessary;
 - (5) The resolving clause “Be it resolved:”; and
 - (6) Provision for signature after the text “Adopted Jan. 28, 1097” and designated lines for the signatures of the commission presiding officer and the city clerk.
- (B) All resolutions adopted by the commission, whether at the instance of and presented by third parties, or on the motion of the instance of the commission, shall conform to that set forth in 07.02.12(A) and shall be on white, 8-1/2 x 11 inch paper with 1-1/2 inch left margin suitable for permanent filing.

7.02.13 Funds.

All funds of the commission received as fees and charges or otherwise shall be deposited in the general fund of the city as receipts of the activities of the commission.

7.02.14 Compensation.

Compensation and expenses of the planning commission and its staff are paid as directed by the city council.

7.03 PLANNING FUNCTIONS

7.03.01 Duties and Functions.

(A) The planning commission shall prepare and recommend to the city council:

- (1) A comprehensive plan consisting of maps and related texts for the systematic development of the city;
- (2) A zoning ordinance to implement the comprehensive plan;
- (3) A subdivision ordinance;
- (4) The official map of the city (said map shall include reference to the zoning and all other applicable restrictions prescribed by the commission); and
- (5) Modifications to the documents specified 1-4 of this chapter.

(B) The commission shall publish its recommendations under 7.03.01 of this chapter to the council. Notice shall be published in the same manner as in the case of ordinance.

(C) The planning commission shall:

- (1) Act as the platting board;
- (2) Act upon requests for variances; and
- (3) Act upon requests for conditional uses.

(D) Subject to any ordinance adopted pursuant to AS 29.33.245, no platting request, variance, or conditional use may be granted except upon an affirmative vote of a majority of the entire voting membership of the commission.

7.03.02 Comprehensive Plan.

(A) The comprehensive plan provided for in 7.03.01(A)(1) shall be a compilation of policy statements, goals, standards, and maps for guiding the physical, social, and economic development, both private and public, of the city and may include, but is not limited to, the following: statements of policies, goals, standards, a land use plan, a community facilitation plan, a transportation plan, and recommendations for plan implementation.

- (B) The city council shall adopt a comprehensive plan based upon the recommendations of the planning commission. The city council may modify the plan, provided that it first obtains the recommendations of the planning commission. The planning commission shall undertake an overall review of the plan at least once every two years and shall present recommendations based on the review to the city council.

7.04 LAND USE PLANNING

7.04.01 Zoning

- (A) In accordance with the comprehensive plan, the council shall regulate and restrict the use of land and improvements by districts. Regulations shall be uniform for each class or kind of building, structure, land, or water area within each district, but the regulations may differ among districts and exceptions may be made in order to provide for the preservation, maintenance, and protection of historic sites, buildings, monuments, and open spaces.

- (B) Zoning regulations adopted under 7.4.01(A) of this chapter may include but are not limited to restrictions of:

- (1) Zoning;
- (2) Building location and use;
- (3) Height and size of structures;
- (4) Number of stories in buildings;
- (5) Percentage of lot which may be covered;
- (6) Size of open spaces;
- (7) Population density and distribution;

- (C) Zoning regulations are designed to:

- (1) Provide for orderly development;
- (2) Lessen stress congestion and monitor trail systems;
- (3) Promote fire safety and public order;
- (4) Protect the public health and general welfare;
- (5) Overcrowding prevention;
- (6) Continually be aware of the need to preserve green spaces; and
- (7) Plan systematic development of transportation, water, sewer, school, parks, and other public facilities.

7.04.02 Board of Adjustments.

- (A) The city council is the board of adjustments. Meetings of the board are held at the call of the mayor. The mayor may administer oaths and compel attendance of witnesses. Meetings and hearings of the board shall be open to the public. The city clerk shall keep minutes of the proceedings of the board of adjustments as a public record.
- (B) The board of adjustments shall hear and decide:
- (1) Appeals regarding alleged errors in enforcement of zoning ordinances and building codes;
 - (2) Appeals from the decisions of the planning commission on requests for conditional uses; and
 - (3) Appeals from the decisions of the planning commission on requests for variances from the terms of the zoning ordinances which are not contrary to the public interest when a literal enforcement would deprive a property owner of rights commonly enjoyed by other properties in the same district.
- (C) A variance shall not be granted because of special conditions caused by actions of the person seeking relief or for reasons of pecuniary hardships or inconvenience. A variance shall not be granted which will permit a land use in a district in which that use is prohibited.

7.04.03 Adjustment Procedures.

- (A) Interested parties including but not limited to a city official may file with the board of adjustments an appeal specifying in writing his objections and his address. Copies are filed with the administrative officer (chairman of the planning commission) involved in the decision or enforcement and with the city clerk within thirty (30) days from the date of the decision or enforcement involved. The officer shall provide the board with all pertinent records, including his written decision. Such material shall become part of the reading of the appeal. An appeal to the board stays enforcement proceedings unless the board or a court issues an enforcement order based on a certificate of imminent peril to life or property made by the enforcement officer.
- (B) The mayor shall act as the presiding officer of the board of adjustments and shall exercise such control over the board's proceedings as is reasonable and necessary. In addition to his other duties, he shall rule upon the admissibility of evidence before the board and may limit presentations before the board to a reasonable period of time.
- (C) A quorum of the board of adjustments shall consist of a majority of its voting members. Decisions by the board may be made and rendered by a majority of the quorum. Only those members of the board of adjustments who have been present throughout the hearing on an appeal may vote on that appeal.
- (D) The following procedure shall be followed at any hearing on an appeal before the board of adjustments:

- (1) The appeal number and the name of the party appealing shall be read into the records.
 - (2) The mayor shall then determine if the appellant or his agent is present. If no such person is present, the board shall proceed with the hearing in such person's absence, unless the presiding officer rules that there were extenuating circumstances which prevented the appellant or his agent from appearing.
 - (3) The presiding officer shall require the appellant to give his presentation first.
 - (4) After the conclusion of the appellant's presentation the official involved shall then make a presentation. That official shall answer any question by any member of the board concerning his comments or appellant's comments.
 - (5) The appellant shall then have the right to respond to the official's presentation.
 - (6) All comments made by the official or the appellant shall be directed by the mayor. All questions directed toward the appellant or official shall be only by a member of the board of adjustments.
 - (7) All testimony before the board shall be under oath to be administered by the city clerk.
- (E) An appellant may, in lieu of a personal appearance before the board of adjustments, present his appeal in writing supported by any affidavits appellant considers necessary. Such affidavits shall be filed by appellant at the time of filing the notice of appeal.
- (F) Appellant, other interested persons, and any officials may be represented by legal counsel at the board of adjustments.
- (G) The burden of proof is upon the appellant to prove his case by a preponderance of the evidence.
- (H) The formal rules of evidence applicable to an action at law do not apply to hearings before the board of adjustments. Evidence and testimony shall be relevant to the appeal.
- (I) The decision of the board of adjustments on an appeal shall be by any affirmative motion.

7.04.04 Judicial Review.

A municipal officer, a taxpayer or a person jointly or severely aggrieved by appeal and action of the board of adjustment to the superior court by filing with the city written notice within ten days of the action appealed. The notice shall specify grounds for appeal. When the notice is filed the board shall at once transmit to the superior court clerk copies of all papers constituting the record in the case. All costs of the appeal shall be borne by the aggrieved.

An appeal from the board of adjustments stays enforcement proceedings unless the court issues and enforcement order based on a certificate of imminent peril to life or property made by the board.

7.05 PLATTING FUNCTIONS

7.05.01 Platting Functions.

The planning commission acting as a platting board has jurisdiction over platting and shall adopt a publish rules and regulations to implement this power. Jurisdiction includes, but is not limited to, the control of:

- (A) Form, size, and other aspects of subdivisions, dedications, and vacations of land;
- (B) Dimensions of lots or tracts; and
- (C) Street and trail width, arrangement , and ROW including allowances for access to lots, and installation of street paving, curbs, gutters and sidewalks, sewers, water rights and water lines, drainage, and other public utility facilities and improvements.

7.05.02 Procedure.

- (A) The platting board shall approve or disapprove the plat of subdivision or dedication sixty (60) days after it is filed and public notice made or the platting board shall return the plat to the applicant for modification or correction within sixty (60) days from the date of filing. If the platting board does not approve, disapprove, or return the plat to the applicant, the plat is considered approved and a certificate of approval shall be issued by the platting board on demand. The applicant for plat approval may consent to the extension of the period for action by the platting board. The reason for disapproval of a plat shall be stated upon the records of the platting board.
- (B) The platting board shall submit an approved plat to the district recorder in compliance with Alaska Statute 40.15.010 – 40.15.020.

7.05.03 Waiver in Certain Cases.

- (A) The platting board shall in individual cases waive the preparation, submission for approval, and recording of a plat upon satisfactory evidence that:
 - (1) Each tract or parcel of land shall have adequate access to a public TROW, existing beach corridor, or beach frontage;
 - (2) Each parcel created is 2.5 acres in size or larger and that the land is divided into 4 or fewer parcels (to comply with Chapter 7.9 of this Code);
 - (3) The conveyance is not made for the purpose of, or in connection with, a present or projected subdivision development; and
 - (4) No dedication of a public street or TROW, thoroughfare, or other public area is involved or required.
- (B) In other cases the platting board may waive the preparation submission for approval and recording of a plat if the transaction involved does not fall within the general intent of Alaska Statute 29.33.150 – 29.33.240 and AS 40.15 if it is not made for the purpose of or

in connection with a present or projected subdivision development and no dedication of a public street or TROW, thoroughfare park or other public area is involved or required.

7.05.04 Informing Required.

A plat shall show initial point of survey, original or re-established corners and their descriptions and actual traverse showing area of closure and all distances, angles and calculations required to determine initial point, corners and distances of the plat, as well as other information which may be required by ordinance.

7.05.05 Penalties.

(A) The owner or agent of the owner of land located within a subdivision who transfers, sells, or enters into a contract to sell land in a subdivision before a plat of the subdivision has been prepared, approved, and recorded is guilty of a misdemeanor and upon conviction is punishable by a fine or of more than \$2,500 for each lot or parcel transferred, sold, or included in a contract to be sold. The platting board may enjoin a transfer sale or contract to sell and may recover the penalty by appropriate legal action.

(B) No person may record a plat or seek to have a plat recorded unless it bears the approval of the platting board. A person who knowingly violates this requirement is punishable upon conviction by fine not more than \$2,500.

7.05.06 Alteration or Replat Petition.

No recorded plat may be altered or replatted except upon petition of the owners of a majority of the land affected by the alteration or replat or by the platting board. No platted street or TROW may be vacated except upon petition of the municipality or owners of the majority of the front feet of the land fronting the part of the TROW sought to be vacated. The petition shall be filed with the platting board. It shall be accompanied by a copy of the existing plat showing the proposed alteration or replat.

7.05.07 Notice of Hearing.

The platting board shall fix a time for a hearing on the petition which shall not be more than sixty (60) days after the filing. The board shall post a notice stating when and by whom the petition was filed, its purpose, and the time and place of the hearing. The notice shall generally describe the alteration or replat sought. The notice shall be posted in three (3) designated locations within the city for at least two (2) consecutive weeks prior to the hearing. The board shall also mail a copy of the notice to each affected property owner not signing the petition.

7.05.08 Hearing and Determination.

(A) At the hearing the platting board shall consider the alteration or replat and make its decision on the merits of the proposal. No vacation of a city street or TROW may be made without the consent of the council.

(B) The board may act only upon a majority vote of its entire voting membership. Only those members of a platting board who have been present at the hearing may vote upon the question presented.

(C) The city council shall have thirty (30) days from the decision in which to veto the board decision. If no veto is received by the board within thirty (30) days the consent of the city shall be considered to have been given to the vacation.

7.05.09 Recording.

If the alteration or replat is approved the revised plat must be recorded by the platting board and is thereafter the lawful plat.

7.05.10 Title to Vacated Area.

(A) Title to the street or TROW or other public area vacated on a plat attaches to the lot or lands bordering on the area in equal proportions, except that if the area was originally dedicated by different persons, original boundary lines shall be adhered to so that the street or TROW area which lies on one side of the boundary line shall attach to the abutting property on that side, and the street or TROW area which lies on the other side of the boundary line shall attach to the property on that side. The portion of a vacated street or TROW which lies within the limits of a platted addition attaches to the lots of the platted addition bordering on the area.

(B) If a public square is vacated, the title to it vests in the city if it lies within the city. If the property vacated is a lot or tract title vests in the rightful owner.

(C) If the city acquired the street or TROW or other public area vacated for legal consideration or by express dedication to the acceptance by the city other than required subdivision platting, before the final act of vacation, the fair market value of the street, TROW or public area shall be deposited with the platting authority to be paid over to the city on final vacation.

7.06 PLATTING PROCEDURES

7.06.01 Approval and Recording of Subdivisions.

Before the lots or tracts of any subdivision or dedication may be sold or offered for sale the subdivision or dedication shall be submitted for approval to the authority having jurisdiction. The regular approval of the authority shall be shown on it or attached to it, and the subdivision or dedication shall be filed for record in the office of the recorder (Alaska Statute 40.15.010).

7.06.02 Plats to be Acknowledged and Contain Certificate that Taxes and Assessments are Paid.

Every plat shall be acknowledged before an officer authorized to take acknowledgement of deeds. A certificate of acknowledgement shall be endorsed on or annexed to the plat and recorded with it. A person filing a plat, map, subdivision or replat of property or vacating the whole or any portion of an existing plat, map, subdivision or replat shall at the time of filing it for the record or filing the petition to vacate file with it a certificate from the tax-collecting officials or officials of the area in which the land is located that all taxes levied against the property at the date are paid (AS 40.15.020).

7.06.03 Dedication of Streets and TROW.

When an area is subdivided and a plat of the subdivision is approved and recorded, all streets, TROWs, thoroughfares, parks and other public areas shown on the plat are deemed to have been dedicated to public use (AS 40.15.030).

7.06.04 Certified Copy of Plat is Evidence.

A copy of a plat certified by the recorder of the recording district in which it is recorded as true and complete copy of the original on file in his office is admissible in evidence in all courts in the state with the same effect as the original (AS 40.15.040).

7.06.05 Recorded Plats Legalized.

All plats recorded before March 30, 1953, whether executed and acknowledged in accordance with AS 40.15.050 or not, are validated and all streets, TROWs, or public thoroughfares shown on these plats are considered as having been dedicated to public use. This section does not prohibit the abandonment of a plat recorded before March 30, 1953, if a subsequent plat is filed indicating abandonment. The last plat of the area of record on March 30, 1953, is the official plat of the area, and the streets TROs or thoroughfares shown on it are deemed to be streets, TROWs or thoroughfares dedicated to public use. The TROWs, streets or thoroughfares shown on an earlier plat of the same area or any part of which is in conflict with those on the official plat are deemed to have been abandoned and vacated (AS 14.15.050).

7.06.06 Missing Plats.

Where a record plat is missing and no present record is available, except by reference to the missing plat, a counterpart copy approved by the platting authority may be recorded as of the original date of the missing plat and after recordation has the same legal effect and notice as the original missing plat (AS 40.15.060).

7.07 HISTORIC PRESERVATION

7.07.01 Intent.

To provide for the safekeeping of many facets of heritage within the city, the City of Kupreanof deems it necessary to act assertively in order to set down a means to preserve its cultural, social, economic, political, and architectural history.

To promote the use of the Kupreanof Historic District for the education, pleasure, and welfare of the city and to foster civic pride and natural beauty.

7.07.02 Districts.

All lands within the city limits of the City of Kupreanof shall be a part of the Kupreanof Historic District.

7.07.03 Board Members.

It is therefore ordained that a Historic Preservation Commission is established. The currently sitting members of the Planning and Zoning Commission and two (2) City Council persons,

appointed by the Mayor and approved by the City Council, shall constitute the Historic Preservation Commission.

7.07.04 Duties.

Furthermore, it is ordained that the Historic Preservation Commission shall have the duties and be empowered to:

- (A) Act as an advocacy board to serve the City Council in identification of all structures, artifacts, cultural features, and areas in the city that are of cultural, historic, or geographic importance to the heritage of the city or region.
- (B) Upon identifying the above cultural environment and its related features, artifacts, sites, and structures within the city, the commission shall work cooperatively with property owners in obtaining inclusion of the identified cultural sites in the Alaska Heritage Resource Survey and/or National Register of Historic Places.
- (C) Act assertively to recommend to the City Council those structures and areas of significance to local and regional history. Such areas may be recommended as historic landmarks.
- (D) Develop and maintain a catalogue of city landmarks and significant cultural areas.

7.07.05 Requirements.

Be it further ordained that it shall be mandatory for property owners whose property is listed on the AHRS and/or NRHP submit to the Historic Preservation Commission proposed exterior plans before construction, alteration, moving, or demolition of any structure or archaeological site within the Kupreanof Historic District without formal approval of the City Council.

7.07.06 Restrictions.

Be it further ordained that if the City Council objects to the demolition or removal of a historic structure or archaeological site or feature, the council may hold up demolition or removal for 14 days in order for the council to make an attempt to salvage the structure or site in an agreeable manner.

Now, therefore, be it ordained by the City Council of the City of Kupreanof, Alaska, that the Kupreanof Historic District is hereby established for the education, enjoyment, and welfare of the citizens and visitors of the City of Kupreanof and to foster civic pride and beauty

7.07.07 Publication

This ordinance shall be published in the Petersburg Pilot, a newspaper of general circulation, within ten (10) day of its passage.

07.08 RESERVED (CEMETERY)

07.09 MINIMUM LOT SIZE REGULATIONS

7.09.01 Minimum Lot Sizes.

Minimum lot size shall be 2.5 acres.

7.09.02 Minimum Beach Frontage.

Minimum beach frontage must be 200 feet and shortest side of any property must be 200 feet.

7.09.03 Property Without Beach Frontage.

Property without beach frontage must have provision for easement consistent with Section 7.10.02.

7.09.04 Meandering Property Lines.

Meandering property lines shall be limited to beach frontage at the 15.6 foot tide line. Lot surveys shall not contain more than 5 (five) corners except by council review and permission.

7.09.05 Subdivisions Not Meeting Requirements.

There must be council approval for any subdivision not meeting the requirements set out in Sections 7.10.01-04.

Title 8

DEVELOPMENT CODE: Table of Contents

Chapter	1	Reserved
Chapter	2	Reserved
Chapter	3	Reserved
Chapter	4	Reserved
Chapter	5	Reserved
Chapter	6	Reserved
Chapter	7	Reserved
Chapter	8	Reserved
Chapter	9	Reserved
Chapter	10	Reserved
Chapter	11	Reserved
Chapter	12	Zoning

Section.01	Intent
.02	Districts
.03	Development Districts
.04	Protection District
.05	Lot size and siting requirements
.06	Building Requirements
.07	Environment Requirements
.08	Signs
.09	Upland Lot Requirements
.10	Administration
.11	Variances
.12	Penalties
.13	Fees
.14	Notices
.15	Appeals
.16	Amendments

Chapter	13	Land Division
Section.01		Applicability
.02		Subdivision
.03		Platting board actions on preliminary plat applications
.04		Applicant responsibility following preliminary plat approval

- .05 Monumentation and survey
- .06 Final plat approval
- .07 Penalties
- .08 Vacations
- .09 Dedication procedure
- .10 Platting variances requirements
- .11 Platting variances procedure
- .12 Board of appeals
- .13 Appeals procedure
- .14 Appeals – new evidence
- .15 Appeal hearing notice
- .16 Appeal hearing
- .17 Offense against public order – Disturbing the peace

Chapter 14 Reserved

Chapter 15 Reserved

Title 8

DEVELOPMENT CODE

8.01 RESERVED

8.02 RESERVED

8.03 RESERVED

8.04 RESERVED

8.05 RESERVED

8.06 RESERVED

8.07 RESERVED

8.08 RESERVED

8.09 RESERVED

8.10 RESERVED

8.11 RESERVED

8.12 ZONING

8.12.01 Intent.

To promote community health, safety, convenience and welfare by regulated growth and development.

8.12.02 Districts.

(A) The city is divided into two categories:

- (1) A development district; and
- (2) A protection district.

(B) The district boundaries are defined as shown on the "Official Zoning Map", dated August 2002. The Official Zoning Map and all explanatory information on it is part of the Kupreanof Zoning Ordinance.

08.12.03 Development District.

(A) The following structures and uses are permitted in the Development District provided they do not conflict with other municipal ordinances and regulations:

- (1) Single family detached residential dwellings, two family attached residential dwellings, and associated outbuildings;
- (2) Religious and educational uses and associated facilities;
- (3) Agriculture, horticulture, floriculture, aquaculture and mariculture, and associated facilities; and
- (4) Warehouses, gear sheds, and other structures used for storage of non-hazardous materials and equipment.

(B) The following uses are permitted in the development district provided that the below listed special conditions for each use are met:

(1) Commercial uses, industrial uses, and home occupations:

- a) Employees: There shall be no more than four (4) employees employed on the premises who do not reside on the premises. Rationale: to ensure that commercial and industrial uses do not expand to a level that would require urban services or become a nuisance to neighbors.
- b) Disturbances: There shall be no odor, fumes, glare, or flashing light which is perceptible without instruments more than thirty (30) feet from the boundaries of the lot in question, except for warning devices, Christmas decorations, construction or maintenance work, or other special circumstances. Rationale: To ensure that commercial or industrial uses do not become a nuisance to neighbors.
- c) Pollution: All chemicals and materials used in the construction, operation and maintenance of the commercial or industrial use shall be adequately stored and disposed so as not to endanger the health or water supply of Kupreanof residents. Rationale: To ensure that commercial and industrial uses do not contaminate domestic water supplies.
- d) Water Transit: Docking facilities shall not be used for regularly scheduled commercial tug, barge, and related freight services. Rationale: To protect the safety of small boat traffic.

(2) Multi-family uses of six (6) units or less:

- a) Design and siting – the multi-family development shall minimally impact the visual character of Kupreanof by:
 - i. Designing and using materials compatible with existing structures in the community;

- ii. Minimizing the clearance and disturbance of vegetation and soils on the site;
- iii. Planting and maintaining natural buffers to protect the privacy of adjacent residents.

Rationale: To protect privacy and visual characteristics.

(3) Mobile Homes:

- a) Design and siting – mobile homes must be anchored to a permanent foundation and sided with non-reflective materials and finishes.

(C) Clear cutting of timber for commercial logging is prohibited in the development zone.

Rationale: To protect visual characteristics and environmental quality.

8.12.04 Protection Districts.

(A) The following uses are permitted in the Protection District provided they do not conflict with other Municipal ordinances and regulations:

- (1) Recreation;
- (2) Subsistence; and
- (3) Related uses such as hiking, picnicking, skiing, camping, fishing, and berry picking.

(B) The following uses are prohibited in the protection districts:

- (1) Permanent structures and buildings. Rationale: To protect critical habitat and watersheds, and to protect residents from natural hazard areas.
- (2) Commercial logging and clear cutting. Rationale: To protect critical habitats and the designated community watershed.

(C) Mining Restrictions.

- (1) Mechanized mining, including suction dredging, is prohibited in Coho Creek within the city corporate limits of the City of Kupreanof.
- (2) As provided in Alaska State Statutes section 29.35.020 the City of Kupreanof extends this prohibition to the remaining parts of Coho Creek that lie outside the municipality of the City of Kupreanof.
- (3) Special permits for exceptions may be granted by the City Council of the City of Kupreanof. Permits will be for a specific duration of time and a fee as the Council directs.

8.12.05 Lot size and siting requirements.

(A) Lot Size: All lots must have a minimum size of 2 1/2 acres. Rationale: To maintain rural characteristics.

(B) Density: All lots must provide 1.25 acres per non-residential building or dwelling unit. The density requirement does not apply to outbuildings. Rationale: To preserve air quality, individual ground water supplies and privacy.

(C) Siting Requirements:

1. No buildings or development other than moorage facilities shall be constructed below the mean high tide line (15.6 feet). Rationale: To ensure pedestrian access along the coast, to protect valuable intertidal habitat, to preserve visual characteristics and to protect eagle nesting trees.

2. All buildings must be set back at least thirty (30) feet from all lot lines of the property. Rationale: To ensure privacy, to aid in fire protection, and to preserve visual characteristics.

3. No buildings shall be constructed which disturbs or molests eagle nesting trees. Rationale: To protect eagle nesting habitat.

8.12.06 Building Requirements.

All uses shall comply with the following requirements.

(A) Size: The floor area per level of each building shall not exceed 1800 square feet. Rationale: To preserve visual characteristics and discourage demand for urban services.

(B) Siding: Exterior wall surfaces of buildings and structures shall not be sided with reflective material. Rationale: To preserve visual characteristics.

(C) Utilities: All electrical, telephone and Cable TV utility lines must be buried or laid in a surface conduit. Rationale: To preserve visual character of the community.

(D) Height: No building shall exceed a height of thirty (30) feet from the mean building grade line. Rationale: To preserve visual characteristics.

(E) Fencing: The use of barbed wire for fencing is prohibited. Rationale: To protect animals and pedestrians from injury.

8.12.07 Environment Requirements.

All uses must comply with the following requirements:

(A) Water Quality

(1) All developments require a state approved sewage disposal system and state-approved drinking water supply. Rationale: To preserve water quality and prevent contamination of domestic water sources.

(2) The construction of any building within twenty-five (25) feet of all streams that are used for domestic water sources is prohibited. The use of land for agriculture or

livestock within fifty (50) feet of all streams that are used for domestic water sources is prohibited. Rationale: To preserve water quality and prevent contamination of domestic water sources.

(B) Solid Waste

- (1) The underground storage of fuel oil, gasoline, and hazardous materials is prohibited. Rationale: To protect water quality from undetected discharges.
- (2) All solid waste must be disposed in a manner that meets state requirements for solid waste disposal. In addition, disposal shall not be visible from the Kupreanof shoreline and shall not create a nuisance that could attract bears, create odors and fumes, and contaminate water sources. Rationale: To protect visual characteristics, air and water quality, and to prevent nuisances.

8.12.08 Signs.

All signs must comply with the following requirements:

- (A) Lighted, flashing, or neon signs shall not be permitted.
- (B) Permanent signs shall not exceed 1.5 square feet.
- (C) Temporary signs such as real estate signs and campaign placards shall not exceed eight (8) square feet and shall stand no longer than ten (10) days after their purpose has been served. Rationale: To protect visual characteristics.

8.12.09 Upland Lot Requirements.

Before development is allowed on an upland lot, two additional requirements must be met:

- (A) Legal access to the shoreline must be secured; and
- (B) The sewage disposal system must not contaminate existing water supplies or potential water supplies of other Kupreanof residents. Rationale: To guarantee coastal access and to protect water quality.

8.12.10 Administration.

- (A) Certificate – No building or permanent structure shall be constructed or externally altered structurally to change the outside dimensions, and no use of land or building shall be changed without a certificate of conformity having been issued by the city.
- (B) Submission – A land owner must submit to the Planning and Zoning Commission an application requesting a certificate prior to construction or alteration of a building or structure. The application shall include a map and description with the following information:

- (1) General Requirements:

- a) Location of the proposed building or structure
- b) Topography of site and contour interval
- c) Location of associated buildings and structures
- d) Location and description of waste disposal system
- e) Location of rights-of-way and easements
- f) Location of existing and proposed utility lines
- g) Location of mean high tide line
- h) Location of eagle nesting trees
- i) Location of domestic water sources
- j) Rough floor plan of building including dimensions
- k) Brief description of building materials and exterior sidings
- l) Brief description of fuel and chemical storage.

(2) Commercial and Industrial Uses – All general requirements plus a brief description of the planned land use including number of employees, and description of materials and chemicals which might be used.

(3) Multi-family units – All general requirements and elevations of the building and a landscape plan for the site.

(C) The map shall be drawn to scale and include a North Arrow.

(D) The Planning and Zoning Commission or its authorized representative shall approve or disapprove the land owner's request to proceed with construction.

(E) If the request is approved, a certificate of conformance shall be issued and construction may proceed.

(F) If the request is denied, the city shall provide reasons for rejection.

(G) The charge for a building permit review shall be designated by the City Council.

8.12.11 Variances.

(A) Procedure – A written application requesting a variance shall be submitted to the Planning and Zoning Commission.

(1) The specific reason why the variance is requested

(2) The reason why the variance complies with the following conditions:

- a) There are exceptional physical circumstances or conditions applicable to the property or to its intended use or development which do not apply generally to the other properties in the same zone.
- b) Strict application of the requirements of this ordinance would result in unnecessary hardships.
- c) Special conditions and circumstances do not result from the actions of the applicant and such conditions and circumstances do not merely constitute economic hardship or inconvenience.
- d) Granting the variance shall be in harmony with the objectives of this ordinance and not injurious to the neighborhood or otherwise detrimental to the public welfare.
- e) Granting of the variance shall not permit a land use in a zoning district that is normally a prohibited use and shall not be contrary to the goals and policies of the Kupreanof Comprehensive Plan.

(3) Illustrative maps and graphics, as needed.

(B) Considerations – The Planning Commission shall take into account relevant public testimony and comprehensive plan policies when considering the variance request. The Planning and Zoning Commission shall also determine that all conditions are met before granting a variance.

8.12.12 Penalties.

Any person violating any of the provisions of the Kupreanof Zoning Ordinance shall be fined not more than \$50.00 for each offense. Each day that such violation continues shall constitute a separate offense.

8.12.13 Fees.

Twenty-five dollars (\$25) for each request for a certificate of conformity, variance, and amendment.

8.12.14 Notices.

Notice of a public hearing is required for all submissions of variance applications.

(A) Form of Notice:

- (1) A mailing at least ten (10) days before the public hearing to all record owners of property adjacent to the exterior boundary of the property subject to the application.
- (2) Posting of a public notice at least ten (10) days before the public hearing in at least two public places.

- (B) Content of notice – The notice shall state the date, time, and location of the public hearings, descriptions of the action requested, description of the property that is the subject of the application, and the names of the owners or official agents of the property.

8.12.15 Appeals.

(A) Board of Appeals:

- (1) The City Council is the Board of Appeals and meets at the call of the Mayor. The Board of Appeals shall hear and decide:
 - a) Appeals regarding alleged errors in the enforcement of the zoning ordinance;
 - b) Appeals from the decisions of the Planning and Zoning Commission on requests for special use permits; and
 - c) Appeals from the decision of the Planning and Zoning Commission for variances from the terms of the zoning ordinance.

(B) Procedure:

- (1) A decision of the Planning and Zoning commission is final unless an appeal of the decision is commenced within thirty (30) days after the planning commission decision.
- (2) An appeal is commenced by filing with the Mayor a written notice of appeal, specifically stating the reason for the appeal.
- (3) Any interested party may file an appeal.

(C) New Evidence – Appeals alleging new evidence or charged circumstances shall not be heard by the Council but shall be remanded to the planning and zoning commission for reconsideration.

(D) Appeal Hearing Notice – The City Council shall mail notice of the appeal to each person who would have been entitled to notice of the original proceeding. The notice shall include the appellants notice of appeal, and the date and time of the hearing.

(E) Hearing – The Council shall make its decision on the basis of evidence recorded with the Planning and Zoning Commission. The Council may exercise its independent judgment on the interpretation of relevant ordinances.

(F) Appeals from the Board of Appeals – Any aggrieved municipal official, taxpayer, or person may appeal an action of the City Council to the Superior Court, State of Alaska, First Judicial District, by filing with the Mayor within 30 days of the appealed action.

8.12.16 Amendments.

The City Council may amend or repeal these regulations or change the boundaries of zones.

(A) Initiation of Changes – changes in the ordinance may be initiated by:

- (1) The City Council on its own motion
- (2) The Planning and Zoning Commission on its own motion
- (3) Petition signed by the owners of fifty (50) percent of the property within an area proposed for rezoning. The petition shall be filed with the Planning and Zoning Commission. Besides the necessary signatures, the petition shall contain:
 - a) A description by lot and block of the property involved; and
 - b) Reasons for the proposed change.

(B) Planning and Zoning Commission Report

- (1) The Planning and Zoning Commission shall hold a public hearing to consider public testimony on the proposed change.
- (2) Following the hearing the Planning and Zoning Commission shall prepare a written report to the City Council. The report shall include:
 - a) A discussion of the need and justification for the proposed change, including a statement of whether the proposed change complies with the goals and policies of the Comprehensive Plan;
 - b) A summary of public testimony on the proposed change; and
 - c) A recommendation to approve or disapprove the change.

(C) City Council Ordinances

- (1) Before taking any action on the proposed zoning change the City Council shall hold a public hearing on the proposed amendment to the zoning ordinance or official zoning map.
- (2) The City Council shall submit its decision at its next regularly scheduled meeting after the public hearing unless such time limit is extended by common consent and agreement signed by both the petitioners and the City Council.

8.13 LAND DIVISION

8.13.01 Applicability.

All land divisions, dedications, and vacations are contingent on approval of the platting commission under the terms of this chapter.

8.13.02 Subdivision.

- (A) Prohibitions – No plat may be approved for the subdivision of that portion of any parcel within the protection district identified in the comprehensive policy plan, supporting documents referenced in the comprehensive plan, or the official zoning map.
- (B) Submissions – The applicant for the subdivision shall submit to the chairperson of the platting commission an application containing: information required by the platting commission, the application fee, and four (4) blue or black line prints no smaller than eighteen (18) inches wide and twenty-four (24) inches long, and no larger than twenty-four (24) inches wide and thirty-six (36) inches long.
- (C) Preparation – The plat shall be prepared by a professional land surveyor licensed to practice in the State.
- (D) Content – Preliminary Plat
 - (1) Title Block in lower right hand corner containing:
 - a) Proposed name of the subdivision
 - b) Location of the subdivision by reference to U.S. survey and lot number(s)
 - c) Date
 - d) Horizontal scale no greater than 100 feet to the inch
 - e) Name and address of the owner
 - f) Surveyors name and seal
 - (2) North arrow
 - (3) Location of all existing proposed property lines
 - (4) Location and width of all rights-of-way and easements within the plat or intersecting the plat
 - (5) Location of natural and constructed drainage flows. The platting commission may require the submission of a separate plan, certified by an engineer license to practice in the state, showing detailed drainage and topographic information including culverts and drainage ditches, and the effect of the subdivision and associated development on downstream properties.

8.13.03 Platting Board Actions on Preliminary Plat Applications.

Upon receipt of a complete application for a plat, the platting board shall approve the plat, disapprove the plat, inform the applicant of the date when action on the plat may be expected, or approve the plat with conditions. Failure to take action does not constitute plat approval. Approval of the preliminary plat by the platting board shall be valid for a period of twelve (12) months after approval.

(A) Upon receipt of a complete application, the platting commission shall distribute copies of the application to appropriate public agencies.

(B) The platting commission shall determine if the following requirements are met:

1) Right-of-way Locations

a) All upland lots shall front on a dedicated right-of-way;

b) At least one right-of-way must provide access between the coast and the subdivision boundary; and

c) At least one right-of-way shall be provided for connecting with adjoining lands.

2) Right-of-way Dimensions – A new right-of-way dedicated as part of the subdivision shall be at least twenty (20) feet wide.

3) Lot Size – Each parcel created shall be 2.5 acres or larger.

4) Lot Dimensions – Minimum lineal distance between the corners determining the width and depth of a lot shall be no more than 150 feet.

5) Beach frontage – Beach front lots shall have a minimum shore frontage of 200 feet.

6) Certificates:

a) Approval of the Alaska Department of Environmental Conservation for sewerage disposal.

b) Written evaluation by an experienced person of the practicability and feasibility of constructing and maintaining a water supply system.

7) Easements – All streams capable of providing a primary domestic water supply (approximately 20 gallons/second flow in flood) shall be protected by a dedicated easement of such width as is necessary to allow for protection of the stream, or future widening or improvements. The minimum easement shall be twenty-five (25) feet wide on either side of the waterway.

8.13.04 Applicant Responsibility Following Preliminary Plat Approval.

Upon notification of plat approval the applicant may:

(A) Construct, or provide the appropriate guarantee for construction, of improvements stipulated by the platting commission, which may include removal of vegetation along rights-of-way and easements, disposal of construction debris, construction of septic tanks and related facilities, installation of culverts and related facilities to control drainage, and connection to a public water system.

- (B) Complete required surveying and monumentation.
- (C) Make appropriate changes to meet all conditions stipulated by the platting commission.
- (D) Make corrections to the plat.
- (E) Submit a black line Mylar reproducible plat of the subdivision.

8.13.05 Monumentation and Survey.

All exterior corners of the plat and all corners of each lot shall be monumented with a three-quarter inch by thirty inch pipe or bar capped and marked. If a plat or lot corner is identical with a United State Survey, a United States Mineral Survey, or an Alaskan Tidelands Survey, the primary monument shall be shown on the plat or reestablished and shown if not found.

8.13.06 Final Plat Approval.

The platting board shall approve the final plat, and the chairperson of the platting board shall sign the plat if it substantially conforms to the approved preliminary plat, and the required improvements have been constructed or guaranteed. Improvements may be guaranteed by:

- (A) Performance bond – Upon acceptance of the platting board of the final plat, the subdivider may file a corporate surety bond with the city in an amount equal to the cost of the required improvements.
- (B) Deposit in Escrow – The sub divider may deposit in escrow, with the City approved escrow agent, an amount of the money equal to the cost of the improvements.
- (C) Deed in Trust – The guaranteed may be secured by a first lien deed of trust upon each lot in the subdivision.

8.13.07 Penalties.

- (A) The owner of land who sells or enters into a contract to sell a parcel before its plat has been recorded is guilty of a misdemeanor. The penalty is a fine of not more than \$50 for each lot transferred, sold, or included in a contract to sell. Each day of violation constitutes a separate misdemeanor. The City may enjoin any illegal transfer, sale, or contract to sell.
- (B) No person may record a plat or seek to have a plat recorded unless it bears the approval of the platting board. A person who violates this requirement is guilty of a misdemeanor and is punishable upon conviction by a fine of not more than \$500 and or imprisonment for not more than 30 days.

8.13.08 Vacations.

(A) Procedure:

- (1) The Planning and Zoning Commission shall conduct a public hearing on the proposed vacation. Notification shall be mailed to all adjacent property owners, and

notices of the proposed vacation shall be posted in the community at least 30 days before the hearing.

(2) The Planning and Zoning Commission shall make a recommendation to the City Council.

(B) Findings – The Council may vacate municipal property when it finds that the property is no longer necessary for the public welfare, or when the public welfare will be enhanced by the vacation.

(C) Title to Vacation – The title shall be transferred to the property owners of adjacent lots in accordance with provisions set forth in Alaska Statute 29.33.240

8.13.09 Dedication Procedure.

(A) The Planning and Zoning Commission shall conduct a public hearing on the proposed dedication. Notification shall be mailed to all adjacent property owners and notices of the proposed dedication shall be posted in the community at least 30 days before the hearing.

(B) The Planning and Zoning Commission shall make a recommendation to the City Council.

8.13.10 Platting Variances Requirements.

A variance from the requirements of this chapter may be granted only if the platting commission finds that the granting of a platting variance will not be detrimental to the public health, safety or welfare, or injurious to adjacent property. In addition, one of the following two conditions must be found to exist:

(A) The tract to be subdivided is of unusual size and shape or topographical conditions that the strict application of the requirements of this title will result in undue and substantial hardship to the owner of the property.

(B) The proposed variance would create a planned unit development or cluster subdivision which conserves lands having environmental cultural and historic significance, and promotes greater opportunities for public and private recreation and use of open space.

8.13.11 Platting Variances Procedure.

Approval of the variance constitutes approval of the preliminary plat.

(A) A preliminary plat must be submitted to the platting board containing all information required in this chapter.

(B) A written application must be submitted to the platting commission stating which requirements the variance is requested for, and explaining the reasons why the variance complies with the requirements which the platting commission must find to exist if a variance application is to be approved.

8.13.12 Board of Appeals.

The City Council is the Board of Appeals and meets at the call of the Mayor. The Board of Appeals shall hear and decide:

- (A) Appeals regarding alleged errors in the enforcement of the subdivision ordinance;
- (B) Appeals from the decision of the Platting Commission on land divisions, dedications, and vacations; and
- (C) Appeals from the decision of the Platting Commission on requests for variances.

8.13.13 Appeals Procedure.

- (A) A decision of the Platting Commission is final unless an appeal of the decision is commenced within thirty (30) days after the platting board decision.
- (B) An appeal is commenced by filing with the mayor a written notice of appeal, specifically stating the reason for the appeal.
- (C) Any interested party may file an appeal.

8.13.14 Appeals – New Evidence.

Appeals alleging new evidence or changed circumstances shall not be heard by the Council, but shall be remanded to the platting board for reconsideration.

8.13.15 Appeal Hearing Notice.

The City Council shall mail notice of the appeal to each person who would have been entitled to notice of the original proceeding. The notice shall include the appellant's notice of appeal, and the date and time of the appeal hearing.

8.13.16 Appeal Hearing.

The City Council shall make its decision on the basis of evidence recorded with the Platting Commission. The City Council may exercise its independent judgment on the interpretation of relevant ordinances.

8.13.17 Offense Against Public Order – Disturbing the Peace.

- (A) It is unlawful for a person to:
 - (1) In a public place, make an unreasonably loud noise, with the purpose to disturb, or in the reckless disregard of the peace or privacy of others;
 - (2) In a private place, make an unreasonably loud noise, with the purpose to disturb, or in reckless disregard of the peace or privacy of others not in the same place, after being informed that such conduct is having or is likely to have that effect;
 - (3) Between the hours of eleven p.m. and seven a.m. operate or use a pile driving, pneumatic hammer, bulldozer, road grader, loader, power shovel, derrick, backhoe,

power saw, manual hammer, or other machinery, instrument, appliance, or vehicle which generates an unreasonably loud noise, after being informed by another that such operation or use is disturbing or is likely to disturb the peace or privacy of others.

(B) Applications for a permit for relief from the application of sub-section (A) of this section to any activity on the basis of undue hardship may be made to the City. Any permit granted under this section shall contain all conditions upon which such permit has been granted and shall specify a reasonable time that the permit shall be effective. A permit may be issued only upon a finding by the city that:

- (1) Additional time is necessary for the applicant to alter or modify his activity or operation to comply with this section; and/or:
- (2) The activity, operation, or a noise source will be of temporary duration and the activity is necessary and cannot be done in a manner that will comply with the requirements in this section; and
- (3) In either (1) or (2) of this subsection compliance with the requirements of this section would create an unreasonable hardship on the applicant and that no other reasonable alternative is available.

(C) The City shall prescribe such conditions and requirements of the permit as are deemed necessary to minimize the adverse effects of the noise on the community or neighborhood.

(D) “Unreasonably loud noise” is a sound which, if considering the nature and purpose of the defendant’s conduct and the circumstances known to him or which should be known to him, including the nature of the location and the time of day or night, his conduct involves a substantial deviation from the standard of conduct that a reasonable person will follow in the same situation.

8.14 RESERVED

8.15 RESERVED

FORMS

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STATEMENT OF DEDICATION

I (we) certify that I am (we are) the owners of the property shown and described below and that I (we) adopt this plat of subdivision with my (our) free consent, and dedicate all rights-of-way, parks, and other open spaces to the City of Kupreanof noted in the plat and attachment A.

Date_____

Witness_____

Owner_____

Witness_____

Owner_____

Notary seal and signature

*** *** *** *** *** *** ***

CERTIFICATE OF SUBDIVISION APPROVAL

I certify that the attached subdivision plat complies with the subdivision regulations of the City of Kupreanof, Alaska, and that the plat has been approved by a majority vote of a quorum of the Platting Commission by Plat Resolution No. _____ dated _____ and that plat has been approved for recording in the office of the District Office of Ketchikan, Alaska.

Dated_____

Chairperson of the Kupreanof Platting Commission

*** *** *** *** *** *** ***

CERTIFICATION OF CONFORMITY

I certify that the attached application complies with the requirement of the Kupreanof Zoning Ordinance. The issuance of this certificate shall allow _____ (name) _____ to begin construction or alter buildings and to use property as described in the application. This certificate shall expire if actions described in the application have not commenced within one (1) year of the permit's date of issuance.

Dated_____

Chairperson of the Kupreanof Planning Commission